

REQUEST FOR PROPOSAL

RFP #2-KDB

**CONSTRUCTION ENGINEERING
& INSPECTION (CEI) SERVICES**

FOR

**EASTERN REGION
OPERATIONS
CONSTRUCTION AND
INTELLIGENT TRANSPORTATION SYSTEMS
INSTALLATION / CONSTRUCTION**



TABLE OF CONTENTS

I.	GENERAL	3
II.	SCOPE OF SERVICES	3
III.	STAFF FUNCTIONS	4
IV.	MATERIALS SAMPLING AND TESTING	10
V.	EXPRESSION OF INTEREST	10
VI.	ATTACHMENTS	20
	Attachment A: Present Workload with Department	21
	Attachment B: Employment Commitment Letter	22
	Attachment C: Score Sheet	23
	Attachment D: Firm Data Sheet	24
	Attachment E: Certification Regarding Debarment	25
	Attachment F: FHWA 1273 Required Contact Provisions/Federal Aid Contracts	27
	Attachment G: EO 11246	50
	Attachment H: USDOT 1050.2 Title VI Assurance Appendix A	57
	Attachment I: Form C-48 Subcontractor/Supplier Solicitation and Utilization Form	59
	Attachment J: Form C-63 DBE/SWAM Payment Compliance Report	61
	Attachment K: Form C-111 Minimum DBE Requirements	67
	Attachment L: Form C-112 Certification of Binding Agreement	69
	Attachment M: Title VI Report	70
	Attachment N: Davis-Bacon Prevailing Wage Rates for Eastern Virginia Region	76
	Attachment O: Special Provisions Section 107.15 Use of Minority Business Enterprise	87
	Attachment P: DBE Policy Statement	88

I. GENERAL

The Virginia Department of Transportation (VDOT) is seeking expressions of interest from consulting engineering firms who wish to be considered to provide professional engineering services for:

This is an Eastern Region Operations Construction and Intelligent Transportation System (ITS) Installation/Construction Contract providing Construction Engineering & Inspection (CEI) Services under a Fixed Billable Rate Contract. This contract will be for a 1 year contract period with optional 2 one-year renewable terms. The proposed one-year contract will have a total maximum compensation not to exceed \$3,000,000.00.

This work is to be accomplished utilizing computerized design and drafting systems compatible with VDOT's automated design and drafting systems. VDOT's roadway design system is the GEOPAK Civil Design Software and the drafting system is Microstation. The Consultant Engineering Services will be provided in accordance with the requirements of the Department's policies and procedures and Federal Highway Administration (FHWA) guidelines. This Request for Proposal does not commit VDOT to award a contract, to pay any costs incurred in the preparation of a proposal for this request, or to procure or contract for services. VDOT reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified firm or to modify or cancel in part or in its entirety the Request for Proposal if it is in the best interest of VDOT to do so. The Contract amount spent each year will be governed by available funding and work load. VDOT is in no way obligated to the entire yearly amount.

II. SCOPE OF SERVICES

Project inspection will require a maximum of one (1) Construction Inspector Coordinator and a total of thirty one (31) Inspectors, consisting of ten (10) Senior Inspectors, ten (10) Senior Inspectors Technical, five (5) Construction Inspectors, four (4) Senior Construction Inspectors, (Project Records Manager), one (1) Construction Inspector Trainee, and one (1) Office Engineer during peak construction operations. There may be a need for an Engineer Support staff on a part-time basis or as needed.

The scope of this work will consist of providing inspection personnel of various levels to supplement VDOT's inspection staff in charge Operations Construction and a variety of ITS related projects throughout the Eastern Region Operations Area, consisting of the counties of Accomack, Northampton, Emporia, Greensville, Isle of Wight, Southampton, Hampton, James City, Newport News, Poquoson, Surry, Sussex, York, Norfolk, Virginia Beach, Chesapeake, and Portsmouth. The Projects will include all activities with regard to Traffic Signals, loop detectors, Intelligent Transportation Systems (ITS) devices, including but not limited to, Closed Circuit TV Cameras (CCTV), Dynamic Message Signs (DMS), Detectors, Fiber Optic Cable, Road Weather Information Systems (RWIS), Highway Advisory Radio (HAR), Tunnel Monitor, Reversible Lane Control, Queue Warning Systems, Advance Warning Systems, Over Height Detection Systems, Flood Detection Systems, Lane Control Systems, Variable Speed Limit, Concrete Foundations installation/construction, various types of testing, system integration, Internet Protocol (IP) Networking, maintenance etc. The inspectors shall be well versed with the Virginia Work Area Protection Manual (VWAPM) guidelines for MOT set-ups for work zones.

All personnel shall be knowledgeable of VDOT's most current Construction Program, VDOT Road and Bridge Specifications and Standards, ITS Special Provisions, Computer Based Construction Management Systems, and the Virginia Work Area Protection Manual (VWAPM). Additional engineering functions

which may be required include, but are not limited to, the review of shop drawings and catalog cuts, schedule review and analysis and notice of intent analysis, survey capabilities for baselines, cross-sections, and right-of-way surveys etc.

VDOT reserves the right to assign work from one district and/or region to other districts and/or regions on a temporary basis, when there is a need for the same services in the other district and/or region.

All procurement related questions or information should be directed to David Evans at his email address: David.Evans@VDOT.Virginia.gov, or Anwar Ansari at his email address: Anwar.Ansari.VDOT.Virginia.gov.

III. STAFF FUNCTIONS

Construction Inspector Coordinator

Construction Inspector Coordinator Function: To coordinate inspection assignments with the VDOT throughout the region.

Construction Inspector Coordinator Features of Work: Coordinates the entire inspection contract with VDOT. The Construction Inspector Coordinator will assume responsibility for the performance and actions of the consultant inspection and support staff, etc.

Construction Inspector Coordinator Knowledge Skills and Abilities: The coordinator is expected to have 3 years of experience in the coordination of inspection staffs on a statewide, regional or district wide basis for any transportation agency. Experience shall include staff scheduling and the handling of multiple priorities; knowledge of staff capabilities and ability to match the inspection staff to assigned task orders; demonstrating a general knowledge of the duties and responsibilities of a project inspector.

Senior Construction Inspector

Senior Construction Inspector Function: To monitor the work of contractors to ensure quality control and contract compliance for roadway, structure, and bridge construction projects of moderate to considerable complexity. In addition to inspection responsibilities, the Senior Inspector may be required to also provide inspection/project management, under the direction of the VDOT Construction Manager or designee.

Senior Construction Inspector Features of Work: In addition to the duties noted for Construction Inspector, the inspector senior monitors contractor's operations to ensure compliance with contract terms and specifications. Independently coordinates and directs all phases of construction inspection of projects which are typically complicated by extensive traffic control, sensitive political or environmental concerns, or significant project coordination with property owners, utility companies, and local and federal government representatives. Verifies lines, grades, dimensions, and elevations using survey and field engineering equipment; Coordinates and schedules various phases of construction with the prime contractor and agency personnel; reviews and monitors contractors' plan of operation; and advises contractors of violations and recommends adjustments to operations. Recommends changes to construction plans to meet field condition; makes field measurements of pay items and conducts materials testing; checks equipment; maintains and reviews comprehensive project records including daily diaries, materials notebooks, as-built plans, pay quantity records, progress schedules, work orders, and monthly

estimates; and reviews and monitors Equal Employment Opportunity(EEO)/Disadvantaged Business Enterprise (DBE) documentation and compliance with Federal labor requirements/regulations for Federal-aid construction projects, ensuring contractor compliance with program requirements.

This position requires frequent contact with engineers and agency personnel to discuss and resolve field construction issues and to obtain technical guidance in specialty areas of engineering and inspections. These positions also require frequent external contact with contractor personnel to schedule and coordinate project inspection and resolve problems; with local government and law enforcement agencies to explain work under construction and coordinate traffic control; with suppliers to monitor receipt of materials; with utility companies to coordinate relocation and installation; and with the public to provide information and resolve issues.

Senior Construction Inspector Knowledge Skills and Abilities: The Senior Construction Inspector is expected to have 6 years of inspection experience including knowledge of roadway, structure and bridge, traffic signals, construction methods, materials, standards and specifications. Working knowledge of state and federal safety, environment, and EEO/DBE guidelines and regulations; knowledge of mathematics including algebra, geometry, and trigonometry; working skill in operating computer equipment, software programs and field inspection equipment. Ability to provide technical supervision and leadership to other inspectors; read and interpret roadway, bridge, and structure plans and contract specifications; apply mathematical formulas and engineering principles to determine field adjustments; maintain detailed records; perform required materials testing; and communicate effectively with agency and contractor personnel and the general public. The inspector is expected to be currently VDOT certified or Mid Atlantic Regional Technician Certification Program (MARTCP) certificated in the following disciplines. In addition it is expected, that each inspector be certificated for Erosion and Sediment Control Inspection, by the Department of Conservation and Recreation (DCR).

- **Expected Certifications:**
 - Soil and Aggregate Field Compaction
 - Asphalt Field
 - Hydraulic Cement Concrete Field
 - Pavement Marking
 - Flagger Certification
 - Nuclear Gauge Safety Training
 - Department of Conservation and Recreation (DCR) Certification for Erosion and Sediment Control Inspection
 - Intermediate Work Zone Traffic Control
 - OSHA 10-hour Safety Training – Construction Safety & Health

Senior Construction Inspector Technical:

Senior Construction Inspector Technical Function: To monitor the work of contractors to ensure quality control and contract compliance for ITS projects of moderate to considerable complexity. In addition to inspection responsibilities, the Senior Inspector may be required to also provide inspection/project management, under the direction of the VDOT Construction Manager or designee.

Senior Construction Inspector Technical Features of Work: The Senior Inspector Technical monitors contractor's day-to-day operations to ensure compliance with contract terms and specifications.

Independently coordinates and directs all phases of construction inspection of projects which are typically complicated by extensive traffic control, sensitive political or environmental concerns, or significant project coordination with property owners, utility companies, and local and federal government representatives. Verifies lines, grades, dimensions and elevations, using survey and field engineering equipment; Coordinates and schedules various phases of construction with the prime contractor and agency personnel; reviews and monitors contractors' plan of operation; and advises contractors of violations and recommends adjustments to operations. Recommends changes to construction plans to meet field condition; makes field measurements of pay items and conducts materials testing; checks equipment; maintains and reviews comprehensive project records including daily diaries, materials notebooks, as-built plans, pay quantity records, progress schedules, work orders, and monthly estimates; and reviews and monitors Equal Employment Opportunity(EEO)/Disadvantaged Business Enterprise (DBE) documentation and compliance with Federal labor requirements/regulations for Federal-aid construction projects, ensuring contractor compliance with program requirements.

This position requires frequent interaction with engineers and agency personnel to discuss and resolve field construction issues and to obtain technical guidance in specialty areas of engineering and inspections. These positions also require frequent external contact with contractor personnel to schedule and coordinate project inspection and resolve problems; with local government and law enforcement agencies to explain work under construction and coordinate traffic control; with suppliers to monitor receipt of materials; with utility companies to coordinate relocation and installation; and with the public to provide information and resolve issues.

Senior Construction Inspector Technical Knowledge Skills and Abilities: The Senior Construction Inspector is expected to have 5 years of inspection experience in ITS installation and construction methods, materials, standards and specifications. The Senior Inspector Technical must be knowledgeable in system/software integration, testing, factory acceptance monitoring of ITS devices. He should also be knowledgeable in the monitoring of software development and software/hardware upgrades for various ITS applications. In addition to the above skills, he should be experienced working in multi-disciplined ITS environment. He should also have knowledge of systems engineering, database technology, operating systems, transportation engineering, electrical and electronic engineering, Local Area Network (LAN) & Wide Area Network (WAN) and telecommunications systems; Working knowledge of state and federal safety, environment, and EEO/DBE guidelines and regulations; and of mathematics including algebra, geometry, and trigonometry; Working skill in operating computer equipment, software programs and field inspection equipment. Ability to provide technical supervision and leadership to other inspectors; read and interpret roadway, bridge, and structure plans and contract specifications; apply mathematical formulas and engineering principles to determine field adjustments; maintain detailed records; perform required materials testing; and communicate effectively with agency and contractor personnel and the general public. The inspector is expected to be currently VDOT certified or Mid Atlantic Regional Technician Certification Program (MARTCP) certificated in the following disciplines. In addition, it is expected that each inspector be certificated for Erosion and Sediment Control Inspection, by the Department of Conservation and Recreation.

- Expected Certifications:
 - Hydraulic Cement Concrete Field
 - Flagger Certification
 - Intermediate Work Zone Traffic Control
 - OSHA 10-hour Safety Training – Construction Safety & Health
 - Department of Conservation and Recreation (DCR) Certification for Erosion and Sediment Control Inspection

Construction Inspector

Construction Inspector Function: To monitor the work of contractors to ensure quality control and contract compliance for roadway, structure, and bridge construction projects of routine to moderate complexity, under the direction of a VDOT Construction Manager or designee.

Construction Inspector Features of Work: Oversees, inspects, and monitors contractual field work which includes excavations, drainage facilities, road surfaces, and structures; schedules work and inspection phases with contractor's superintendent and agency personnel; advises contractors of violations and recommends adjustments to operations; takes field measurements of pay items; checks placement of and performs tests on construction materials; checks lines, grades, dimensions, and elevations using standard survey and field engineering equipment; and oversees and enforces the installation of erosion/siltation controls and safety devices. Recommends changes to construction plans to meet field conditions or provide project cost savings. Maintains project records which include daily diaries, materials notebooks, as-built plans, and pay quantity records; evaluates and monitors progress schedules, prepares work orders, and monthly estimates. Monitors Equal Employment Opportunity/Disadvantaged Business Enterprise (DBE) documentation and compliance with Federal labor requirements/regulations for Federal-aid construction projects, ensuring contractor compliance with program requirements.

Construction Inspector Knowledge Skills and Abilities: The Construction Inspector is expected to have 3 years of inspection experience including a working knowledge of roadway, structure, and bridge construction methods, materials, standards, construction symbols and terminology; state and federal environmental, safety, and Equal Employment Opportunity guidelines and regulations; and of mathematics including algebra, geometry, and trigonometry. Working skill in operating computer equipment, software programs and field inspection equipment. Ability to read and interpret roadway, structure and bridge plans and specifications; apply mathematical formulas and engineering principles to determine minor adjustments to construction plans; maintain detailed records; perform required materials testing; and communicate effectively with agency and contractor personnel and the general public. The inspector is expected to be currently VDOT certified or Mid Atlantic Regional Technician Certification Program (MARTCP) certificated in the following disciplines. In addition it is expected, that each inspector be certificated for Erosion and Sediment Control Inspection, by the Department of Conservation and Recreation.

- Expected Certifications:
 - Soil and Aggregate Field Compaction
 - Asphalt Field
 - Hydraulic Cement Concrete Field
 - Pavement Marking
 - Flagger Certification
 - Nuclear Gauge Safety Training
 - OSHA 10-hour Training – Construction Safety & Health

 - Department of Conservation and Recreation (DCR) Certification for Erosion and Sediment Control Inspection
 - Intermediate Work Zone Traffic Control

Construction Inspector, Trainee

Construction Inspector, Trainee Function: To monitor in a training capacity, the work of contractors to ensure quality control and contract compliance for roadway, structure, and bridge construction projects, under the direction of a VDOT Construction Manager or their designee.

Construction Inspector, Trainee Features of the Work: Performs work of routine difficulty in a training capacity. Inspects excavations, drainage facilities, safety, environmental, and traffic control devices, and road surfaces and structures by comparing work performed to plans and specifications. Maintains project records including daily dairies, workbook and materials records. Receives on-the-job and required agency classroom training to obtain designated highway material certifications.

Construction Inspector, Trainee Knowledge Skills and Abilities: The Construction Inspector, Trainee is expected to have a working knowledge of basic mathematics including computation of linear and cubic measurements; a demonstrated ability to communicate effectively both orally and in writing; and learn and apply new information and concepts.

Senior Construction Inspector (Project Records Manager)

Senior Construction Inspector (Project Records Manager) Functions: This position will maintain all of the project records which include general correspondence, files, monthly pay estimates, request for information logs, submittal logs, meeting minutes, equal employment opportunity records, daily inspection reports, daily dairies, project sketches, etc.

Senior Construction Inspector (Project Records Manager) Features of Work: This position will maintain the overall project records and closely monitor the project schedule as it relates to the project's critical path schedule and related earnings. In addition, the position will monitor and maintain issue files that have the potential to, or have become, formal Notices of Intent to file claims against VDOT and ensure that the records are complete, factual, and that a project timeline of each issue is included. Also, when necessary, the position will analyze submissions of work orders or claims for impacts to the project schedule and cost. These functions will be performed in collaboration with the Project Control Engineer. Other responsibilities include training and coaching of inspector personnel, performing inspection duties and assisting the Construction Project Manager and Project Control Engineer as required.

Senior Construction Inspector (Project Records Manager) Knowledge, Skills and Abilities: The Senior Construction Inspector (Project Records Manager) is expected to have 5 years of project records management experience with considerable knowledge of ITS construction inspection techniques, methods, procedures, practices, materials and equipment. Significant knowledge of the most current VDOT road and bridge construction standards, specifications, Manual on Uniform Traffic Control Devices (MUTCD), Virginia Work Area Protection Manual (VWAPM), environmental regulations, safety requirements, DBE/EEO and Civil Rights (CR) guidelines, and related rules and regulations, terms and symbols. Proven ability to inspect a wide variety ITS related projects. Proven skill in operating field engineering and testing equipment. Proven ability to apply mathematical formulas and engineering principles to measure, calculate and reconcile pay quantities and estimate field adjustments. Demonstrated ability to observe, monitor and document construction activities, implement and enforce quality control standards and material testing procedures and prepare related documentation. Knowledge of Federal and State Labor Regulations to including the Davis Bacon Act. Significant demonstrated ability to interpret ITS projects, contracts, special provisions, specifications and understand acceptance testing procedures. Demonstrated ability to

utilize Microsoft Word and Excel software. Demonstrated ability to provide technical supervision, leadership and training to other inspectors and to coordinate inspection activities. Demonstrated ability to communicate effectively both orally and in writing with contractors, political entities and the general public. Skilled in negotiating solutions and/or resolving contract issues. Ability to perform physically demanding work under field conditions including but not limited to operation of testing equipment, lifting, climbing, stooping, working at heights and in confined spaces, and making visual observations. Must be able to work in the vicinity of and operate devices emitting low-level ionizing radiation.

- Expected Certifications:
 - Soil and Aggregate Field Compaction
 - Asphalt Field
 - Hydraulic Cement Concrete Field
 - Pavement Marking
 - Flagger Certification
 - Nuclear Gauge Safety Training
 - OSHA 10-hour Training – Construction Safety & Health
 - Department of Conservation and Recreation (DCR) Certification for Erosion and Sediment Control Inspection
 - Intermediate Work Zone Traffic Control

Office Engineer:

Office Engineer Function: To provide support to the Department staff in the analysis and review in the areas of, but not limited to shop drawing & catalog cut review, schedule review/analysis and notice of intent and claims analysis, as requested by the Operations & Security Division (OSD) Project Manager.

Office Engineer Features of Work: Provides consultation, investigations, evaluations and written documentation in the areas of, but not limited to schedule review and analysis and notice of intent and claims analysis, as requested by the OSD Project Manager.

Office Engineer Knowledge Skills and Abilities: The Office Engineer shall have a current P.E. license and 10 years of experience in the practice of engineering defined as where the principles and methods of engineering are applied to, but are not necessarily limited to, consultation, investigation, evaluation, planning and design of public or private utilities, structures, machines, equipment, processes, transportation systems and work systems. Knowledge of highway design processes, highway engineering principals/practices, highway design project management, highway processes/practices. Experience in the practical application of ITS Technologies as employed in roadway design/construction; Schedules, claims avoidance, claims mitigation, cost estimating and reporting.

The Office Engineer's function may, at the contractor's discretion, be supplemented by Engineering Support Staff on a part-time as needed basis.

ENGINEERING SUPPORT STAFF FUNCTION, FEATURES OF WORK and KNOWLEDGE SKILLS AND ABILITIES:

Engineering Support Staff Function: To provide support to the Department staff in the analysis and review in the areas of, but not limited to shop drawings & catalog cuts, schedule review and notice of intent analysis, as requested by the OSD Project Manager.

Engineering Support Staff Features of Work: Provides consultation, investigations, evaluations and written documentation in the areas of, but not limited to shop drawing review, schedule review and analysis and notice of intent analysis, as requested by the OSD Project Manager.

Engineering Support Staff Knowledge Skills and Abilities: The Engineering Support Staff shall be a Virginia licensed P. E. having 10 years of experience in the practice of engineering defined as where the principles and methods of engineering are applied to, but are not necessarily limited to, consultation, investigation, evaluation, planning and design of public or private utilities, structures, machines, equipment, processes, transportation systems and work systems. Knowledge of highway & ITS design processes, Highway & ITS engineering principals/practices, Highway & ITS design project management, ITS processes/practices; Experience with the practical application of engineering methods employed in roadway & ITS design/construction.

IV. MATERIALS SAMPLING AND TESTING

The Consultant firm shall provide material testing equipment. The cost of these items should be included in the overhead costs to the consultant and will not be billable to the Department as a direct cost expense. This equipment will remain the property of the Consultant and shall be removed at completion of the work. The Consultant will be responsible for obtaining proper licenses for equipment and personnel operating equipment when licenses are required. The Consultant shall make the license and supporting documentation available to the Department for verification, upon request. The Consultant's handling of nuclear gauges shall be in compliance with their license.

The material testing equipment shall include but not be limited to; soil/aggregate compaction kit, including: speedy moisture kit, one-point proctor mold, hammer, gas stove, pans and spoons, scales, 10' straight edge, sand cone device; slump cone; air meters, non-contact thermometer and 4' level. Any testing device that will be used for acceptance/rejection of materials will need evidence of calibration as recommended by the manufacturer. All hand tools necessary for inspection services shall also be supplied by the consultant.

V. EXPRESSION OF INTEREST

1. The Expression of Interest (EOI) shall be organized in the following order:
 - Transmittal letter
 - Table of Contents
 - Understanding of Scope of Work
 - Response to Request For Proposal (RFP) Expression of Interest Items 2-15
 - Present Workload with Department form
 - Team Organization Chart
 - General Services Administration (GSA) Form 255 – one combined for the project team
 - GSA Form 254 – one for each firm

- A table or matrix containing the requested information in item 15
 - Full size copies of State Corporation Commission (SCC) and Department of Professional & Occupational Regulation (DPOR) supporting registration/licensing documentation for each firm (including that of each pertinent branch office)
 - Full size copies of DPOR registration certificate for the Key Personnel
 - Firm Data Sheet
 - Certification Regarding Debarment form
 - DBE Commitment and Confirmation Letter (if applicable)
2. Furnish three copies of current GSA Forms 254 for each firm involved and three copies of one combined GSA Form 255 for the project team. The GSA Form 255 must specify the number of personnel by discipline for each office where the work is to be performed. In Section 4 of GSA Form 255, list only the full time employees assigned to the office(s) at the time of this submission. Section 8 of GSA Form 255 is limited to one page with not more than 10 projects total (prime and subconsultants combined) on the one page and should primarily list experience of offices where the work will be performed and of the people shown in the organizational chart. If the experience shown is for a branch office other than where the work will be performed, it should be clearly indicated as such. More detailed descriptions for Section 8b may be expanded into Section 10. In Section 9 of GSA Form 255, references to "Federal agencies" are to be replaced by "Virginia Department of Transportation or transportation agencies of other states."
 3. If more than one firm will participate in the contract, state the type of arrangement between the firms, the names and addresses of all firms, description of the work that each firm will perform, and the percentage of work to be performed by each in Section 5 and 6 of GSA Form 255. Indicate office locations at which the work will be performed. A one page organizational chart showing all firms involved and key personnel assignments and responsibilities is required to be included.
 4. With the exception of Construction Inspector Trainees, indicate in Section 7 of GSA Form 255, personnel who will be assigned to this project, their proposed assignment and give the experience record of each. Team members who are not currently employed by the firm under which they are proposed shall have a signed commitment letter (See Attachment "A") attached to their resume, demonstrating their commitment to the firm under which they are proposed should the team be awarded the inspection contract. Indicate each expected VDOT Certification, DCR Certification, and the expiration date of each. Other pertinent certifications should also be listed. Each Resume shall be limited to one page per person with a font no less than 10 point. For evaluation purposes, one resume must be submitted equal to 50% of the number of inspectors requested per classification by the Scope of Services, excluding trainees. In section 10 of GSA Form 255 the consultant should detail his plan to assure the Department that the inspection staff submitted for evaluation will be available for the inspection services requested by the RFP. This information should be provided in the introduction or opening information found on the first page of Section 10. In addition resumes must be provided for each additional engineering function requested, unless the consultant proposes that one engineer provides multiple engineering functions.

Furthermore, all individuals identified as Key Personnel in the EOI shall remain on the Consultant's Team for the duration of the procurement process and, if the consultant is awarded a contract, the duration of the contract. If extraordinary circumstances require a proposed change, it must be submitted in writing to the Department's Project Manager, who, at his/her sole

discretion, will determine whether to authorize a change. Unauthorized changes to the Consultant's Team at any time during the procurement process may result in elimination of the Consultant's Team from further consideration.

5. Section 10 of GSA Form 255 is limited to a maximum of ten pages. This section should describe the organization of the proposed project staff indicating the role of each by individual. If subconsultants are proposed, the role of each subconsultant should be discussed. It should also include statements that are responsive to the attached Consultant Short List Score Sheet that will be used to evaluate your submission. This is the **ONLY** section of the submission which may include pictures or graphics (included in the ten page limit). List any computer and CADD equipment and any specialized computer software packages that you will use on this VDOT project.
6. It is the policy of the Virginia Department of Transportation that Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of federally funded consultant contracts. A list of Virginia Department of Minority Business Enterprise certified DBE firms are maintained on their web site (<http://www.dmbe.state.va.us/>) under the **DBE Directory of Certified Vendors**. Consultants are encouraged to take all necessary and reasonable steps to ensure that DBE firms have the maximum opportunity to compete for and perform services on the contract, including participation in any subsequent supplemental contracts. If the consultant intends to subcontract a portion of the services on the project, the consultant is encouraged to seek out and consider DBE firms as potential subconsultants. The consultant is encouraged to contact DBE firms to solicit their interest, capability and qualifications. Any agreement between a consultant and a DBE firm whereby the DBE firm promises not to provide services to other consultants is prohibited. The Department believes that these services support 10 % DBE participation.

In accordance with the Governor's Executive Order No. 33, the Virginia Department of Transportation also requires a utilization of Small, Women and Minority (SWaM) Businesses to participate in the performance of state funded consultant contracts. A list of Virginia Department of Minority Business Enterprise (DMBE) certified SWaM firms are maintained on the DMBE web site (<http://www.dmbe.state.va.us/>) under the **SWaM Vendor Directory** link. Consultants are encouraged to take all necessary and reasonable steps to ensure that SWaM firms have the maximum opportunity to compete for and perform services on the contract, including participation in any subsequent supplemental contracts. If the consultant intends to subcontract a portion of the services on the project, the consultant is encouraged to seek out and consider SWaM firms as potential subconsultants. The consultant is encouraged to contact SWaM firms to solicit their interest, capability and qualifications. Any agreement between a consultant and a SWaM firm whereby the SWaM firm promises not to provide services to other consultants is prohibited.

49 CFR Part 26 requires VDOT to collect certain data about firms attempting to participate in VDOT contracts. This data must be provided on the enclosed Firm Data Sheet.

VDOT is also required to capture DBE and SWaM payment information on all professional services contracts. The successful prime consultant will be required to complete C- 63 form for both state and federally funded projects on quarterly basis.

Any DBE or SWaM firm must become certified (with the Virginia Department of Minority Business Enterprise) prior to your response being submitted. If DBE or SWaM firm is the prime consultant, the firm will receive full credit for planned involvement of their own forces, as well as

the work that they commit to be performed by DBE or SWaM subconsultants. DBE or SWaM prime consultants are encouraged to make the same outreach efforts as other consultants. DBE or SWaM credit will be awarded only for work actually being performed by them. When a DBE or SWaM prime consultant subcontracts work to another firm, the work counts toward DBE or SWaM goals only if the other firm is itself a DBE or SWaM. A DBE or SWaM prime consultant must perform or exercise responsibility for at least 30% of the total cost of its contract with its own force.

DBE or SWaM certification entitles consultants to participate in VDOT's DBE and SWaM programs. However, this certification does not guarantee that the firm will obtain VDOT work nor does it attest to the firm's abilities to perform any particular work.

Business Opportunity and Workforce Development (BOWD) Center - The BOWD Center is a VDOT developmental supportive services program and partnering initiative funded by FHWA for selected DBE firms of various skill and competence levels interested in entering, enhancing or expanding highway contracting opportunities with prime consultants. The partnering initiative between prime consultants and BOWD DBE firms provides the opportunity for the further development of DBE firms through performance on contracts and guidance from prime consultants. The intent of this partnering initiative is to increase capacity by perfecting existing skills and knowledge, expanding into new work areas, and prime consultant joint venturing with DBE firms.

The prime consultants are encouraged to achieve all or a percentage of the required DBE participation/goals determined for this project by the utilization of BOWD approved firms. To assist consultants in taking advantage of this opportunity for utilization of approved BOWD firms, please contact the BOWD Center for additional information, details, resources and support. For further information on the BOWD Center and to view the DBE profiles, go to www.virginiadot.org/business/BOWD.asp. The BOWD Center can be contacted at (804) 662-9555 or via email to BOWDCenter@vdot.virginia.gov.

7. If any firms involved with this submission currently have work with the Department, indicate the projects, the division managing the projects, the amount of outstanding fee remaining, and the estimated date of completion. For limited services term contracts, include only the amount of all tasks orders executed or under negotiation. Also, include your estimated fees for pending supplemental agreements and any projects for which the firms have been selected, but have not executed an agreement. Work of affiliated and/or subsidiary companies is to be included. The outstanding workload of any Virginia Department of Minority Business Enterprise certified DBE or SWaM prime or subconsultant is not to be included. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM will be exempted for the next three years. Any workload obtained after graduating from the program will be counted. Work being performed under the Public Private Transportation Act (PPTA) or as a subcontractor on a Design-Build project shall not be included. Work being performed as a prime or joint venture on a Design-Build project shall be included. The outstanding fee remaining is the maximum total compensation payable less the amount previously paid to date. Only Category C work will be counted in the scoring criteria. This information shall be submitted using the attached Present Workload with Department form. Please carefully read the instructions on the Present Workload with Department form.

8. Give names and detailed addresses of all affiliated and/or subsidiary companies. Indicate which companies are subsidiaries. If a situation arises in responding to this questionnaire where you are unsure whether another firm is or is not an affiliate, doubt should be resolved in favor of affiliation and the firm should be listed accordingly.

Affiliate - Any business entity which is closely associated to another business entity so that one entity controls or has the power to control the other entity either directly or indirectly; or, when a third party has the power to control or controls both; or where one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending of financial wherewithal, engaging in joint ventures, etc. as to cause a public perception that the two firms are one entity. Firms which are owned by a holding company or a third party, but otherwise meet the above conditions and do not have interlocking directorships or joint officers serving are not considered affiliates.

9. In two (2) page(s) or less, provide information that will indicate your firm's ability to meet manage schedules on time and within budget on projects. The schedule is as follows: The schedule will be identified when the work is assigned.
10. In two (2) page(s) or less, please emphasize your qualifications in the following areas: Construction Engineering Inspection Services, to include Intelligent Transportation Systems Construction and Maintenance Inspection.
11. A project approach discussion is neither required nor desired for this project.
12. In addition to the page restrictions listed above, a maximum of 5 additional pages may be included in the Expression of Interest. All pages are to be 8 1/2" X 11" and printed on one side with single-spaced type no smaller than 12 pitch.
13. Please indicate, by executing and returning the attached Certification Regarding Debarment forms, if your firm, subconsultant, subcontractor, or any person associated therewith in the capacity of owner, partner, director, officer or any position involving the administration of Federal or State funds:
- Is currently under suspension, debarment, voluntary exclusion or determination of ineligibility by any federal agency.
 - Has been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years.
 - Does have a proposed debarment pending; or has been indicted, convicted, or had a civil judgment rendered against it or them by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

Any of the above conditions will not necessarily result in denial of award, but it will be considered in determining offeror responsibility. For any condition noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in Federal criminal prosecution or administrative sanctions.

14. If the prime consultant or subconsultant does not have the in-house capability to provide non-professional services, each with an estimated cost of \$5,000 or greater, such as diving services, soil drilling, sampling services or laboratory testing, these services must be subcontracted in accordance with State procurement procedures once a contract is executed, with no DBE or SWaM credit in the selection of the most qualified firm or team. Clearly indicate these services in the EOI.
15. Each business entity (prime and subconsultants) on the proposed team who is practicing or offering to practice professional services in Virginia, including, but not limited to, those practicing or offering to practice engineering, surveying, hydrologic and hydraulic analysis, geotechnical analysis and landscape architecture, should provide evidence including full size copies of appropriate commercial professional registrations and licenses for all main and branch offices proposed for this Project, as well as providing full size copies of appropriate individual registrations/licenses for those professional occupations per the requirements listed below. The EOI should convey the requested information for each regulant by the use of a concise table or matrix. (All full size copies of State Corporation Commission (SCC) and Department of Professional and Regulation (DPOR) supporting registration documentations should be included in the EOI and will not be counted towards page restriction):
 - i. The SCC registrations detailing the name, registration number, type of corporation and status of the business entity.
 - ii. For this Project/Contract, the DPOR registration information for each office practicing or offering to practice any professional services in Virginia: Provide the business name, address, registration type, registration number, expiration date.
 - iii. For this Project/Contract, the DPOR license information for each of your Key Personnel practicing or offering to practice professional services in Virginia: Provide the name, the address, type, the registration number, and the expiration date. Provide the office location where each of the Key Personnel is offering to practice professional services.
 - iv. For this Project/Contract, the DPOR license information for those services not regulated by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (i.e. real estate appraisal): the business name, the address, the registration type, the registration number, and the expiration date.

Failure to comply with the law with regard to those requirements in Virginia (whether federal or state) regarding your organizational structure, any required registration with governmental agencies and/or entities, and any required governmental licensure, whether business, individual, or professional in nature may render your EOI submittal(s), in the sole and reasonable discretion of the Department, non-responsive and in that event your EOI submittal(s) may be returned without any consideration or evaluation.

ADMINISTRATIVE

1. All business entities, except for sole proprietorships, are required to register with the Virginia State Corporation Commission (A Business Registration Guide is available on the Internet at <http://www.state.va.us/scc/division/clk/brg.htm>). Foreign Professional corporations and Foreign Professional Limited Liability Companies (i.e., organized or existing under the laws of a state or jurisdiction other than Virginia) must possess a Commonwealth of Virginia Certificate of Authority from the State Corporation Commission to render professional services. Any business entity other than a professional corporation, professional limited liability company or sole proprietorships that do not employ other individuals for which licensing is required must be registered in the Commonwealth of Virginia with the Department of Professional & Occupational Regulation (<http://www.state.va.us/dpor>), Virginia Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (Board). Board regulations require that all branch offices of professional corporations and business entities located in Virginia, which offer or render any professional services relating to the professions regulated by the Board shall be registered as separate branch office with the Board. All offices, including branches, which offer or render any professional service, must have at least one full-time resident professional in responsible charge that is licensed in the profession offered or rendered at that office. All firms involved that are to provide professional services must meet these criteria prior to submitting an Expression of Interest to the Department. Individual engineers shall meet the requirements of Chapter 4, Title 54.1 of the Code of Virginia.
2. The Department will not consider for award any cost proposals submitted by any consultants and will not consent to subcontracting any portions of the contract to any subconsultants in violation of the provisions of the Federal Immigration Reform and Control Act of 1986, which prohibits employment of illegal aliens.
3. The method of payment will be actual costs for each project assignment based on fixed billable rates. For purpose of determining the fixed billable rates, an overhead rate shall be established in compliance with cost principles contained in the Federal Acquisition Regulations (FAR) of Part 31 of Title 48 of the Code of Federal Regulations. The overhead rate shall be established by an audit by a cognizant government agency or independent Certified Public Accountant (CPA) firm.

The method of payment will be actual costs for each project assignment based on fixed billable rates. For purpose of determining the fixed billable rates, an overhead rate shall be established in compliance with cost principles contained in the Federal Acquisition Regulations (FAR) of Part 31 of Title 48 of the Code of Federal Regulations. The overhead rate shall be established by an audit by a cognizant government agency or independent CPA firm. The Department has established a base hourly rate not to exceed \$32.37 for the classification of Inspector Coordinator, \$29.43 for the classification of Inspector Senior, \$23.35 for the classification of Regular Inspector, and \$17.09 for the classification of Inspector Trainee. When the specified scope of work falls within the Northern Virginia District the Department has established a base hourly rate not to exceed \$38.43 for the classification of Inspector Coordinator, \$34.94 for the classification of Inspector Senior, \$30.08 for the classification of Regular Inspector, and \$22.31 for the classification of Inspector Trainee. The average hourly rates per classification are determined by adding all base labor rates within the classification and dividing by the total number of employees in the classification and then limiting them to the base hourly rates established above, if required. If the Department modifies the established base hourly rates shown above, prior to execution of a memorandum of agreement with the selected firm, the firm will be permitted to use the modified

base hourly rates in their fee proposal

4. All firms submitting Expressions of Interest (prime consultants, joint ventures and subconsultants) must have internal control systems in place that meet Federal requirements for accounting. These systems must comply with requirements of 48CFR31, "Federal Acquisition Regulations, Contract Cost Principles and Procedures," and 23CFR172, "Administration of Negotiated Contracts." All architectural or engineering firms selected for a project (prime consultants, joint ventures and subconsultants) must submit their FAR audit data along with a Contractor Cost Certification for indirect cost rates required by FHWA order 4470.1A dated October 27, 2010 to the Department within 10 work days of being notified of their selection, whereby an official of an architectural or engineering firm shall certify that the indirect cost rate submitted does not include any costs which are expressly unallowable and that the indirect cost rate was established only with allowable costs in accordance with the applicable cost principles contained in the Federal Acquisition Regulations (FAR) of 48CFR31. An example Contractor Cost Certification is available for architectural or engineering firm's use on VDOT website at <http://www.virginiadot.org/business/gpmmps.asp>. Should any firm on the consultant team fail to submit the required audit data and certification within the 10 work days, negotiations may be terminated by the Department and the next most qualified team invited to submit a proposal.
5. Records Exclusion from Public Disclosure: Pursuant to the provisions of §2.2-3705.6 (22) of the Code of Virginia, trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Inspector General of the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Inspector General's Office in accordance with law may, subject to a determination by the Inspector General as described herein, be withheld from public disclosure under the Virginia Freedom of Information Act (FOIA). To enable the Inspector General to identify data or records that may be subject to this exclusion from disclosure under FOIA the private or nongovernmental entity shall, in accord with procedures adopted by the Inspector General, make a written request to the Inspector General of the Virginia Department of Transportation:
 - Invoking such exclusion upon submission of the data or other materials for which protection is sought;
 - Identifying with specificity the data or other materials for which protection is sought; and
 - stating the reasons why protection is necessary.

The Inspector General of the Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it. Notwithstanding the foregoing, Contractor's failure to comply with the requirements stated herein and procedures established by the Inspector General for seeking an exclusion pursuant to §2.2-3705.6 (22) of the Code of Virginia shall result in a denial of the exclusion. Requests for exclusion that are submitted after data or other materials for which protection is sought have been submitted will be denied.

If litigation directly or indirectly results from or arises out of a granted exemption, the contractor will be responsible for all litigation costs incurred by contractor and/or VDOT associated with

such litigation. In no event shall the Virginia Department of Transportation or its officers, employees or agents be liable to the contractor as a result of any disclosure of records or data collected by the Department, its officers, employees or agents, pursuant to an audit, special investigation, or any study requested by the Inspector General's Office, whether or not the Inspector General has determined that the requested exclusion from disclosure under FOIA is necessary to protect the trade secrets or financial records of the private entity, and in no event shall the Virginia Department of Transportation, or its officers, employees, or agents be liable to the contractor for any damages or other claims arising directly or indirectly from a determination that the exclusion from public disclosure will not be granted.

6. Submittals shall be prepared simply and economically, providing a straightforward, concise description of the firm's capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content. Elaborate brochures and other representations beyond that sufficient to present a complete and effective proposal are neither required nor desired. Please do not duplicate information furnished in the GSA Form 254 or 255 elsewhere in the submittal. All information must be submitted in TRIPLICATE and received no later than 4:00 p.m. on October 12, 2011. Responses received after this time will not be considered.

US Postal Service regular mail, send to:

Ms. Brenda L. Williams
Administrative Services Division
Virginia Department of Transportation
1401 E. Broad Street
Richmond, Virginia 23219

Hand delivery, US Postal Service express mail, or private delivery service (FEDEX UPS, etc.), send to:

Ms. Brenda L. Williams
Administrative Services Division
Virginia Department of Transportation
1st Floor Reception Desk
1201 E. Broad Street
Richmond, Virginia 23219

7. The Department assures compliance with Title VI of the Civil Rights Act of 1964, as amended. The consultant and all subconsultants selected for this project will be required to submit a Title VI Evaluation Report (EEO-D2) within 10 work days of notification of selection when requested by the Department. This requirement applies to all consulting firms when the contract amount equals or exceeds \$10,000.
8. The Department does not discriminate against an offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.
9. Any offeror who desires to protest the award of a contract shall submit such protest in writing to the Department no later than ten days after the announcement of the award. Public announcement of the award shall be posted on the Department's Business Center Internet site.

10. eVA Business-to-Government Vendor Registration: The eVA Internet electronic procurement solution, web site portal (<http://www.eva.state.va.us>), streamlines and automates government purchasing activities in the Commonwealth. The portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution through either eVA Basic Vendor Registration Service or eVA Premium Vendor Registration Service. For more detail information regarding eVA, registrations, fee schedule, and transaction fee, use the website link: <http://www.eva.state.va.us>. All bidders or offerors must register in eVA; failure to register may result in the bid/proposal/expressions of interest being rejected.
11. The required services will involve the handling of Critical Infrastructure Information/Sensitive Security Information (CII/SSI) material. Firm(s) handling CII/SSI material will be required to sign non-disclosure agreements. Individuals with the firm(s) that handle CII/SSI material will be required to sign non-disclosure agreements. Once negotiations have been completed and prior to executing a contract, personnel handling CII/SSI material, visiting Critical Infrastructure (CI) facilities or performing bridge/tunnel inspections may be required to pass a fingerprint-based Criminal History Background Check (CHBC). An individual employee's failure to successfully pass the fingerprint-based CHBC will not negate the selection and offerors will be allowed to replace those individuals. However, if key personnel fail the fingerprint-based CHBC, the selection may be cancelled and negotiations begun with the next ranked offeror. VDOT reserves the right to conduct fingerprint-based CHBC on all employees of the prime consultant, on any employees of subconsultants or on any proposed replacements during the term of the contract who will be involved in this project. All costs associated with the fingerprint-based CHBC are the responsibility of the prime consultant. A VDOT issued photo-identification badge is required for each employee of the prime consultant or any subconsultant who will need access to VDOT CI facilities or who will be performing bridge/tunnel inspections. Based upon the results of the fingerprint-based CHBC, VDOT reserves the right to deny issuance of a VDOT security clearance or a VDOT issued photo-identification badge.

VI. ATTACHMENTS

All bidders are advised that the most current version of the following forms are required.

**PRESENT WORKLOAD WITH DEPARTMENT
(List Amount of Each with VDOT by Division)**

* Projects include contracts under negotiation. For limited services term contracts, include the amount of all task orders executed or under negotiation.

Please list all VDOT projects followed by their Category letter. Only those projects in Category are to be totaled and counted on this selection.

Category A: Term Surveying and Utility Designation/Location Contracts.

Category B: Preliminary Engineering Contracts - includes transportation planning and environmental studies, utility relocation and design, and roadway and bridge design.

Category C: Construction Engineering Contracts - includes construction inspection, preparation of final estimates, and bridge and traffic structure safety inspection.

Category D: Operation and maintenance Contracts - includes operation and maintenance of traffic management systems.

Amount of contract includes contingency and non-salary direct cost and all executed supplemental agreements.

Excluding Subconsultants

For any work that has been exempted by VDOT, you must include a copy of the exemption letter with this submittal.

Work being performed under the Public Private Transportation Act (PPTA) or as a subcontractor on a Design-Build project shall be included. Work being performed as a prime or joint venture on a Design-Build project shall be included.

† The outstanding workload of any certified DBE or SWaM prime and subcontractant is not to be included. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM will be exempted for the next three years. Any work obtained after graduating from the program will be counted.

Attachment B: Employment Commitment Letter

Date:

To:

Firm Name:

Address:

Reference – Employment Commitment For

This letter is my commitment to your firm that should your firm become successful in obtaining a contract for construction inspection with the Virginia Department of Transportation I will be available to begin employment upon execution of the referenced inspection services contract.

Signed: _____ **Date:** _____

Printed Name: _____

DIVISION: CONSULTANT SHORT LIST SCORE SHEET – FEDERALLY / STATE FUNDED PROJECT
(FOR PROFESSIONAL SERVICES)

EO1 NO.:

PROJECT:

DESCRIPTION:

SUBS:

DATE: _____

		NUMERICAL VALUE			AVG.	WEIGHT	WEIGHTED EVALUATION
DATE:	FIRM/TEAM'S EXPERIENCE IN SIMILAR TYPE OF SERVICES (Expertise, experience and qualifications of team in providing services as related to the scope of services) (1=least, 10=most)	1-10				25%	
	PERSONNEL'S EXPERIENCE IN SIMILAR TYPE OF SERVICES (Expertise, experience and qualifications of team in providing services as related to the scope of services) (1=least, 10=most)	1-10				40%	
	QUALIFICATIONS OF INSPECTOR COORDINATOR (Expertise, experience and qualifications as inspector coordinator as related to the scope of services) (1=least, 10=most)	1-10				5%	
	ORGANIZATIONAL CAPABILITY (Ability to complete work in a timely manner, size of firm(s) relative to size of project, proposed project staff resources, proposed use of subconsultants) (1=least, 10=most)	1-10				20%	
	PRESENT WORKLOAD WITH DEPARTMENT ** (Dollar value of present outstanding fee including estimated pending contracts under negotiation. For limited services term contracts, include the amount of all task orders executed or under negotiation. Work being performed under the Public Private Transportation Act (PPTA) or as a subcontractor on a Design-Build project shall not be included. Work being performed as a prime or joint venture on a Design-Build project shall be included.) † (Only Category C workload is counted on this selection*)	0 1 2 3 4 5 6 7 8 9 10				10%	
							TOTAL

A - TERM SURVEYING AND UTILITY DESIGNATION/LOCATION CONTRACTS

- A - TERM SURVEYING AND UTILITY DESIGNATION/LOCATION CONTRACTS
- B - PRELIMINARY ENGINEERING CONTRACTS - includes transportation planning and environmental studies, utility relocation and design, and roadway and bridge design.
- C - CONSTRUCTION ENGINEERING CONTRACTS - includes construction inspection, preparation of final estimates, and bridge and traffic structure safety inspection.
- D - OPERATION AND MAINTENANCE CONTRACTS - includes operation and maintenance of traffic management systems.

****When determining total Present Workload with Department, the outstanding workload of each DBE/SWaM subcontractant will not be counted.**

† The outstanding workload of any certified DBE or SWaM prime and subconsultant is not to be included. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM will be exempted for the next three years. Any work obtained after graduating from the program will be counted.

In determining the final short list, the top ranked firms and their subconsultants will have their VDOT Consultant Performance Reports reviewed and/or references checked. There will be exemptions for the next three years: any work obtained after graduating from the program will be counted.

Attachment D: Firm Data Sheet

FIRM DATA SHEET

Funding: F (S=State F=Federal)
ITS Inst

Project No.: NRO CEI Contract for

Division: Operations & Security Division
EOI Due Date:

The prime consultant is responsible for submitting the information requested below on all firms on the project team, both prime and all subconsultants. All firms are to be reported on one combined sheet unless the number of firms requires the use of an additional sheet. Failure to submit all of the required data will result in the Expression of Interest not being considered.

Firm's Name, Address and DBE and/or SWAM Certification Number	Firm's DBE or SWaM Status *	Firm's Age	Firm's Annual Gross Receipts

* YD = DBE Firm Certified by DMBE

N = DBE or SWaM Firm Not Certified by DMBE

NA = Firm Not Claiming DBE or SWaM Status

YS = SWaM Firm Certified by DMBE. Indicate whether small, woman-owned, or small business.

DMBE is the Virginia Department of Minority Business Enterprise

Attachment E: Certification Regarding Debarment

CERTIFICATION REGARDING DEBARMENT
PRIMARY COVERED TRANSACTIONS
(To be completed by a Prime Consultant)

Project: _____

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency.
 - b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; and have not been convicted of any violations of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1) b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the offeror for contracts to be let by the Commonwealth Transportation Board.

Signature

Date

Title

Name of Firm

CERTIFICATION REGARDING DEBARMENT
LOWER TIER COVERED TRANSACTIONS
(To be completed by a Sub-consultant)

Project: _____

- 1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- 2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the offeror for contracts to be let by the Commonwealth Transportation Board.

Signature

Date

Title

Name of Firm

Attachment F: FHWA 1273 Required Contract Provisions/Federal Aid Contracts

FHWA 1273 Required Contract Provisions, Federal-Aid Contracts
SF010CF-0309

FHWA 1273, MEMORANDUM AND CFR CHANGE

January 19, 2009

REQUIRED CONTRACT PROVISIONS, FEDERAL-AID CONSTRUCTION CONTRACTS (FHWA 1273) shall apply to this contract as well as the following:

- **FHWA memorandum with the subject titled “THE DISCONTINUANCE OF THE FHWA-45, FHWA-47 & FHWA-810”**. In accordance with this memorandum the Contractor shall be governed by the following:

The submission of Form C-50 (FHWA 47) which is used to fulfill the reporting requirements of Section VI, Record of Materials, Supplies, and Labor of **FHWA 1273—Required Contract Provisions Federal-Aid Construction Contracts** is no longer required on Federal Aid Construction Contracts. Only that part of Section VI of **FHWA 1273** is thus eliminated. All the other parts remain in effect.

- **CFR (Code of Federal Regulations) change regarding Employee Social Security Numbers and Addresses on Payrolls**. In accordance with the US Department of Labor regulations change in 29 CFR Parts 3 and 5 the Contractor shall be governed by the following:

Section V, Paragraph 2b of **FHWA 1273—Required Contract Provisions Federal-Aid Construction Contracts** is replaced with the following:

The payroll records shall contain the name, and the last four digits of the social security number of each such employee, his or her correct classification; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalent thereof the types described in Section 1(b)(2)(B) of the Davis Bacon Act); daily and weekly number of hours worked; deductions made; and actual wages paid.

FHWA-1273 Electronic version – March 10, 1994

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

I. General	1
II. Nondiscrimination	2
III. Nonsegregated Facilities	5
IV. Payment of Predetermined Minimum Wage	6
V. Statements and Payrolls	10
VI. Record of Materials, Supplies, and Labor	11
VII. Subletting or Assigning the Contract	11
VIII. Safety: Accident Prevention	12
IX. False Statements Concerning Highway Project	12
X. Implementation of Clean Air Act and Federal Water Pollution Control Act	13
XI. Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion	13
XII. Certification Regarding Use of Contract Funds for lobbying	16

ATTACHMENTS

- A. Employment Preference for Appalachian Contracts (included in Appalachian contracts only)

I. GENERAL

1. These contract provisions shall apply to all work performed on the contract by the Contractor's own organization and with the assistance of workers under the Contractor's immediate superintendent and to all work performed on the contract by piecework, station work, or by subcontract.
2. Except as otherwise provided for in each section, the Contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The prime Contractor shall be responsible for compliance by any Subcontractor or lower tier Subcontractor with these Required Contract Provisions.
3. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.
4. A breach of the following clauses of the Required Contract Provisions may also be grounds for debarment as provided in 29 CFR 5.12:

Section I, paragraph 2;
Section IV, paragraphs 1, 2, 3, 4, and 7;
Section V, paragraphs 1 and 2a through 2g.

5. Disputes arising out of the labor standards provisions of Section IV (except paragraph 5) and Section V of these Required Contract Provisions shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the U.S. Department of Labor (DOL) as set forth in 29 CFR 5, 6, and 7. Disputes within the meaning of this

clause include disputes between the Contractor (or any of its Subcontractors) and the contracting agency, the DOL, or the Contractor's employees or their representatives.

6. **Selection of Labor:** During the performance of this contract, the Contractor shall not:
- a. discriminate against labor from any other State, possession, or territory of the United States (except for employment preference for Appalachian contracts, when applicable, as specified in Attachment A), or
 - b. employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II. **NONDISCRIMINATION**

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.)

1. **Equal Employment Opportunity:** Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630 and 41 CFR 60) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the Contractor's project activities under this contract. The Equal Opportunity Construction Contract Specifications set forth under 41 CFR 60-4.3 and the provisions of the American Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the Contractor agrees to comply with the following minimum specific requirement activities of EEO:
 - a. The Contractor will work with the State highway agency (SHA) and the Federal Government in carrying out EEO obligations and in their review of his/her activities under the contract.
 - b. The Contractor will accept as his operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training."
2. **EEO Officer:** The Contractor will designate and make known to the SHA contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active Contractor program of EEO and who must be assigned adequate authority and responsibility to do so.
3. **Dissemination of Policy:** All members of the Contractor's staff who are to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the Contractor's EEO policy and contractual will be taken as a minimum:

- a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the Contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.
 - b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the Contractor's EEO obligations within thirty (30) days following their reporting for duty with the Contractor.
 - c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the Contractor's procedures for locating and hiring minority group employees.
 - d. Notices and posters setting forth the Contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.
 - e. The Contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.
4. **Recruitment:** When advertising for employees, the Contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minority groups in the area from which the project work force would normally be derived.
- a. The Contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants. To meet this requirement, the Contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the Contractor for employment consideration.
 - b. In the event the Contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the Contractor's compliance with EEO contract provisions. (The DOL has held that where implementation of such agreements have the effect of discriminating against minorities or women, or obligates the Contractor to do the same, such implementation violates Executive Order 11246, as amended.)
 - c. The Contractor will encourage his present employees to refer minority group applicants for employment. Information and procedures with regard to referring minority group applicants will be discussed with employees.
5. **Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

- a. The Contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.
- b. The Contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.
- c. The Contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the Contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.
- d. The Contractor will promptly investigate all complaints of alleged discrimination made to the Contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the Contractor will inform every complainant of all of his avenues of appeal.

6. Training and Promotion:

- a. The Contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.
- b. Consistent with the Contractor's work force requirements and as permissible under Federal and State regulations, the Contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision.
- c. The Contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.
- d. The Contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the Contractor relies in whole or in part upon unions as a source of employees, the Contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the Contractor either directly or through a Contractor's association acting as agent will include the procedures set forth below:

- a. The Contractor will use best efforts to develop, in cooperation with the unions, joint training

programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.

- b. The Contractor will use best efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.
 - c. The Contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the Contractor, the Contractor shall so certify to the SHA and shall set forth what efforts have been made to obtain such information.
 - d. In the event the union is unable to provide the Contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the Contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The DOL has held that it shall be no excuse that the union with which the Contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the Contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such Contractor shall immediately notify the SHA.
8. **Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:** The Contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of Subcontractors, including procurement of materials and leases of equipment.
- a. The Contractor shall notify all potential Subcontractors and suppliers of his/her EEO obligations under this contract.
 - b. Disadvantaged business enterprises (DBE), as defined in 49 CFR 23, shall have equal opportunity to compete for and perform subcontracts which the Contractor enters into pursuant to this contract. The Contractor will use his best efforts to solicit bids from and to utilize DBE Subcontractors or Subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of DBE construction firms from SHA personnel.
 - c. The Contractor will use his best efforts to ensure Subcontractor compliance with their EEO obligations.
9. **Records and Reports:** The Contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the SHA and the FHWA.

- a. The records kept by the Contractor shall document the following:
 - (1) The number of minority and non-minority group members and women employed in each work classification on the project;
 - (2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women;
 - (3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees; and
 - (4) The progress and efforts being made in securing the services of DBE Subcontractors or Subcontractors with meaningful minority and female representation among their employees.
- b. The Contractors will submit an annual report to the SHA each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. If on-the job training is being required by special provision, the Contractor will be required to collect and report training data.

III. NONSEGREGATED FACILITIES

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.)

- a. By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement or purchase order, as appropriate, the Offeror, Federal-aid construction Contractor, Subcontractor, material supplier, or vendor, as appropriate, certifies that the firm does not maintain or provide for its employees any segregated facilities at any of its establishments, and that the firm does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The firm agrees that a breach of this certification is a violation of the EEO provisions of this contract. The firm further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability.
- b. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive, or are, in fact, segregated on the basis of race, color, religion, national origin, age or disability, because of habit, local custom, or otherwise. The only exception will be for the disabled when the demands for accessibility override (e.g. disabled parking).
- c. The Contractor agrees that it has obtained or will obtain identical certification from proposed Subcontractors or material suppliers prior to award of subcontracts or consummation of material supply agreements of \$10,000 or more and that it will retain such certifications in its files.

IV. PAYMENT OF PREDETERMINED MINIMUM WAGE

(Applicable to all Federal-aid construction contracts exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural minor collectors, which are exempt.)

1. General:

- a. All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week and without subsequent deduction or rebate on any account [except such payroll deductions as are permitted by regulations (29 CFR 3) issued by the Secretary of Labor under the Copeland Act (40 U.S.C. 276c)] the full amounts of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment. The payment shall be computed at wage rates not less than those contained in the wage determination of the Secretary of Labor (hereinafter "the wage determination") which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or its Subcontractors and such laborers and mechanics. The wage determination (including any additional classifications and wage rates conformed under paragraph 2 of this Section IV and the DOL poster (WH-1321) or Form FHWA-1495) shall be posted at all times by the Contractor and its Subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers. For the purpose of this Section, contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act (40 U.S.C. 276a) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section IV, paragraph 3b, hereof. Also, for the purpose of this Section, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in paragraphs 4 and 5 of this Section IV.
- b. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein, provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed.
- c. All rulings and interpretations of the Davis-Bacon Act and related acts contained in 29 CFR 1, 3, and 5 are herein incorporated by reference in this contract.

2. Classification:

- a. The SHA contracting officer shall require that any class of laborers or mechanics employed under the contract, which is not listed in the wage determination, shall be classified in conformance with the wage determination.
- b. The contracting officer shall approve an additional classification, wage rate and fringe benefits only when the following criteria have been met:
 - (1) the work to be performed by the additional classification requested is not performed

by a classification in the wage determination;

- (2) the additional classification is utilized in the area by the construction industry;
 - (3) the proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination; and
 - (4) with respect to helpers, when such a classification prevails in the area in which the work is performed.
- c. If the Contractor or Subcontractors, as appropriate, the laborers and mechanics (if known) to be employed in the additional classification or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the DOL, Administrator of the Wage and Hour Division, Employment Standards Administration, Washington, D.C. 20210. The Wage and Hour Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.
- d. In the event the Contractor or Subcontractors, as appropriate, the laborers or mechanics to be employed in the additional classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. Said Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary
- e. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 2c or 2d of this Section IV shall be paid to all workers performing work in the additional classification from the first day on which work is performed in the classification.

3. Payment of Fringe Benefits:

- a. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the Contractor or Subcontractors, as appropriate, shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly case equivalent thereof.
- b. If the Contractor or Subcontractor, as appropriate, does not make payments to a trustee or other third person, he/she may consider as a part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided, that the Secretary of Labor has found, upon the written request of the Contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the Contractor to set aside in a separate account assets for

the meeting of obligations under the plan or program.

4. Apprentices and Trainees (Programs of U.S. DOL) and Helpers:

a. Apprentices:

- (1) Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the DOL, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or if a person is employed in his/her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State apprenticeship agency (where appropriate) to be eligible for probationary employment as an apprentice.
- (2) The allowable ratio of apprentices to journeyman-level employees on the job site in any craft classification shall not be greater than the ratio permitted to the Contractor as to the entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate listed in the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a Contractor or Subcontractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman-level hourly rate) specified in the Contractor's or Subcontractor's registered program shall be observed.
- (3) Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator for the Wage and Hour Division determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.
- (4) In the event the Bureau of Apprenticeship and Training, or a State apprenticeship agency recognized by the Bureau, withdraws approval of an apprenticeship program, the Contractor or Subcontractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the comparable work performed by regular employees until an acceptable program is approved.

b. Trainees:

- (1) Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the DOL, Employment and Training Administration.
- (2) The ratio of trainees to journeyman-level employees on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.
- (3) Every trainee must be paid at not less than the rate specified in the approved program for his/her level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman-level wage rate on the wage determination which provides for less than full fringe benefits for apprentices, in which case such trainees shall receive the same fringe benefits as apprentices.
- (4) In the event the Employment and Training Administration withdraws approval of a training program, the Contractor or Subcontractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Helpers:

Helpers will be permitted to work on a project if the helper classification is specified and defined on the applicable wage determination or is approved pursuant to the conformance procedure set forth in Section IV.2. Any worker listed on a payroll at a helper wage rate, who is not a helper under an approved definition, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed.

5. **Apprentices and Trainees (Programs of the U.S. DOT):**

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be

established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

6. **Withholding:**

The SHA shall upon its own action or upon written request of an authorized representative of the DOL withhold, or cause to be withheld, from the Contractor or Subcontractor under this contract or any other Federal contract with the same prime Contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements which is held by the same prime Contractor, as much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the Contractor or any Subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the SHA contracting officer may, after written notice to the Contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

7. **Overtime Requirements:**

No Contractor or Subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen, or guards (including apprentices, trainees, and helpers described in paragraphs 4 and 5 above) shall require or permit any laborer, mechanic, watchman, or guard in any workweek in which he/she is employed on such work, to work in excess of 40 hours in such workweek unless such laborer, mechanic, watchman, or guard receives compensation at a rate not less than one-and-one-half times his/her basic rate of pay for all hours worked in excess of 40 hours in such workweek.

8. **Violation:**

Liability for Unpaid Wages; Liquidated Damages: In the event of any violation of the clause set forth in paragraph 7 above, the Contractor and any Subcontractor responsible thereof shall be liable to the affected employee for his/her unpaid wages. In addition, such Contractor and Subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman, or guard employed in violation of the clause set forth in paragraph 7, in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of the standard work week of 40 hours without payment of the overtime wages required by the clause set forth in paragraph 7.

9. **Withholding for Unpaid Wages and Liquidated Damages:**

The SHA shall upon its own action or upon written request of any authorized representative of the DOL withhold, or cause to be withheld, from any monies payable on account of work performed by the Contractor or Subcontractor under any such contract or any other Federal contract with the same prime Contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime Contractor, such sums as may be determined to be necessary to satisfy any liabilities of such Contractor or Subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 8 above.

V. STATEMENTS AND PAYROLLS

(Applicable to all Federal-aid construction contracts exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural collectors, which are exempt.)

1. Compliance with Copeland Regulations (29 CFR 3):

The Contractor shall comply with the Copeland Regulations of the Secretary of Labor which are herein incorporated by reference.

2. Payrolls and Payroll Records:

- a. Payrolls and basic records relating thereto shall be maintained by the Contractor and each Subcontractor during the course of the work and preserved for a period of three (3) years from the date of completion of the contract for all laborers, mechanics, apprentices, trainees, watchmen, helpers, and guards working at the site of the work.
- b. The payroll records shall contain the name, social security number, and address of each such employee; his or her correct classification; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalent thereof the types described in Section 1(b)(2)(B) of the Davis Bacon Act); daily and weekly number of hours worked; deductions made; and actual wages paid. In addition, for Appalachian contracts, the payroll records shall contain a notation indicating whether the employee does, or does not, normally reside in the labor area as defined in Attachment A, paragraph 1. Whenever the Secretary of Labor, pursuant to Section IV, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis Bacon Act, the Contractor and each Subcontractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, that the plan or program has been communicated in writing to the laborers or mechanics affected, and show the cost anticipated or the actual cost incurred in providing benefits. Contractors or Subcontractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprentices and trainees, and ratios and wage rates prescribed in the applicable programs.
- c. Each Contractor and Subcontractor shall furnish, each week in which any contract work is performed, to the SHA resident engineer a payroll of wages paid each of its employees (including apprentices, trainees, and helpers, described in Section IV, paragraphs 4 and 5, and watchmen and guards engaged on work during the preceding weekly payroll period). The payroll submitted shall set out accurately and completely all of the information required to be maintained under paragraph 2b of this Section V. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal stock number 029-005-0014-1), U.S. Government Printing Office, Washington, D.C. 20402. The prime Contractor is responsible for the submission of copies of payrolls by all Subcontractors.
- d. Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the

Contractor or Subcontractor or his/her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

- (1) that the payroll for the payroll period contains the information required to be maintained under paragraph 2b of this Section V and that such information is correct and complete;
 - (2) that such laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in the Regulations, 29 CFR 3;
 - (3) that each laborer or mechanic has been paid not less than the applicable wage rate and fringe benefits or cash equivalent for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.
- e. The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 2d of this Section V.
- f. The falsification of any of the above certifications may subject the Contractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.
- g. The Contractor or Subcontractor shall make the records required under paragraph 2b of this Section V available for inspection, copying, or transcription by authorized representatives of the SHA, the FHWA, or the DOL, and shall permit such representatives to interview employees during working hours on the job. If the Contractor or Subcontractor fails to submit the required records or to make them available, the SHA, the FHWA, the DOL, or all may, after written notice to the Contractor, sponsor, applicant, or owner, take such actions as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

VI. RECORD OF MATERIALS, SUPPLIES, AND LABOR

1. On all Federal-aid contracts on the National Highway System, except those which provide solely for the installation of protective devices at railroad grade crossings, those which are constructed on a force account or direct labor basis, highway beautification contracts, and contracts for which the total final construction cost for roadway and bridge is less than \$1,000,000 (23 CFR 635) the Contractor shall:
 - a. Become familiar with the list of specific materials and supplies contained in Form FHWA-47, "Statement of Materials and Labor Used by Contractor of Highway Construction Involving Federal Funds," prior to the commencement of work under this contract.
 - b. Maintain a record of the total cost of all materials and supplies purchased for and

incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form FHWA-47, and in the units shown on Form FHWA-47.

- c. Furnish, upon the completion of the contract, to the SHA resident engineer on Form FHWA-47 together with the data required in paragraph 1b relative to materials and supplies, a final labor summary of all contract work indicating the total hours worked and the total amount earned.
2. At the prime Contractor's option, either a single report covering all contract work or separate reports for the Contractor and for each subcontract shall be submitted.

VII. SUBLETTING OR ASSIGNING THE CONTRACT

1. The Contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the State. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the Contractor's own organization (23 CFR 635).
 - a. "Its own organization" shall be construed to include only workers employed and paid directly by the prime Contractor and equipment owned or rented by the prime Contractor, with or without operators. Such term does not include employees or equipment of a Subcontractor, assignee, or agent of the prime Contractor.
 - b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.
2. The contract amount upon which the requirements set forth in paragraph 1 of Section VII is computed includes the cost of material and manufactured products which are to be purchased or produced by the Contractor under the contract provisions.
3. The Contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the SHA contracting officer determines is necessary to assure the performance of the contract.
4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the SHA contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the Contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the SHA has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

VIII. SAFETY: ACCIDENT PREVENTION

1. In the performance of this contract the Contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The Contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the SHA contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.
2. It is a condition of this contract, and shall be made a condition of each subcontract, which the Contractor enters into pursuant to this contract, that the Contractor and any Subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).
3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

IX. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, Contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project: **NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS**

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both."

X. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$100,000 or more.)

By submission of this bid or the execution of this contract, or subcontract, as appropriate, the Offeror, Federal-aid construction Contractor, or Subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any facility that is or will be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub.L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub.L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR 15) is not listed, on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.
2. That the firm agrees to comply and remain in compliance with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.
3. That the firm shall promptly notify the SHA of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility that is or will be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.
4. That the firm agrees to include or cause to be included the requirements of paragraph 1 through 4 of this Section X in every nonexempt subcontract, and further agrees to take such action as the government may direct as a means of enforcing such requirements.

XI. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

1. Instructions for Certification - Primary Covered Transactions:

(Applicable to all Federal-aid contracts - 49 CFR 29)

- a. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
- b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall

submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

- c. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.
- d. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- e. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations.
- f. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
- g. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement portion of the "Lists of Parties Excluded From Federal Procurement or Nonprocurement Programs" (Nonprocurement List) which is compiled by the General Services Administration.
- i. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally

possessed by a prudent person in the ordinary course of business dealings.

- j. Except for transactions authorized under paragraph f of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b. Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1b of this certification; and
 - d. Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

Instructions for Certification - Lower Tier Covered Transactions:

1. (Applicable to all subcontracts, purchase orders and other lower tier transactions of \$25,000 or more - 49 CFR 29)
 - a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.
 - b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier

participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

- c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.
- d. The terms "covered transaction," "debarred," "suspended," "ineligible," "primary covered transaction," "participant," "person," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
- e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
- h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XII. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

(Applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 - 49 CFR 20)

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:
 - a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
3. The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

FHWA MEMORANDUM



U.S. Department of
Transportation
**Federal Highway
Administration**

MEMORANDUM

Subject: ACTION: The Discontinuance of the FHWA-45,
FHWA-47 & FHWA-810

Date: May 22, 2007

From: /s/ Original signed by
Dwight Horne,
Director Office of Program Administration

In Reply HIPA-10
Refer to:

To: Directors of Field Services
Division Administrators
Federal Lands Administrator

Effective immediately, Divisions and/or our State Transportation Agency (STA) partners will no longer be required to submit data to HIPA-10 that is collected as it relates to:

The FHWA-45, Bid Price Data¹,

The FHWA-47, Statement of Materials and Labor Used by Contractors on Highway Construction Involving Federal Funds², and

The FHWA-810, Bid Tabulation Data³

For several years, STAs have commented that the reports generated from the data collection efforts were of little utility and that there were statistical limitations, statistical significance, and accuracy issues with the data which were felt could result in misleading information. There was also a noted reporting burden on States and Contractors. The suggestions have often been to eliminate the reporting requirements all together.

In 2003, the GAO conducted a review of the States' highway construction costs. As part of its review, the GAO reviewed FHWA's cost data collection requirements. In its discussions, the GAO also identified similar issues and concerns with the data series as discussed above. In a December 2003 report GAO made recommendations to FHWA to review the usefulness and accuracy and/or under reporting of the data collected.

As a result, FHWA has determined that it is appropriate to discontinue the reporting requirements for the FHWA 45, 47 and 810 as collection of this data for needed reports such as the "Highway Statistics" publication can be collected through other means. The main reasons for this decision are the strong disinterest in the data collection activities and comments provided to us by our STA partners suggesting that we are not collecting the data extensively enough to be of utility. We will also be going through an abridged regulatory update as appropriate to reflect this action.

Please contact Bob Wright, at 202-366-4630, to answer any questions and/or for additional information on this

matter.

The FHWA 45, Bid Price Data, was collected on NHS projects over \$500,000. The FHWA 45 served as a means to compute the highway construction bid price index, which is published in the document "Price Trends for Federal-aid Highway Construction. The data was used in our "Highway Statistics" publication and by other outside sources, including its use by congressional committees in their deliberations on pending new highway legislation.

The FHWA 47, Statement of Materials and Labor Used by Contractors on Highway Construction Involving Federal Funds, was collected on all NHS projects over \$1,000,000. The FHWA 47 served as a means to collect data related to the quantities of materials, supplies and labor used for various types of highway construction. The data reported on this form was used primarily to compute usage factors for these various materials, supplies, and labor. These factors were used to determine the economic impacts of cuts or increases in the cost of Federal-aid highway construction.

FHWA 810, Bid Tabulation Data was collected on all NHS projects. The needs for the FHWA 810 have been to compute national summaries on the largest contract awards and contract size statistics. The data was also used to produce state-by-state summaries on contracts awards, number of bids and average number of bids.

Attachment G: EO 11246

**STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY
CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)**

1. As, used in this provision:
 - a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;
 - b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;
 - c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U. S. Treasury Department Form 941;
 - d. "Minority" includes:
 - (i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - (ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
 - (iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
 - (iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).
2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation.
3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U. S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors and Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.
4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7 a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed

as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the coverer area. Covered construction Contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form, and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.
6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U. S. Department of Labor.
7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:
 - a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, shall assign two or more women to each construction project. The Contractor shall specifically ensure that all foreman, superintendents and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites in such facilities.
 - b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
 - c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off the street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union, or if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the Contractor may have taken.
 - d. Provide immediate written notification to the Director when the union or unions which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or women sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

- e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources complied under 7b above.
- f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper or annual report; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
- g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination, or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents and General Foremen prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed and disposition of the subject matter.
- h. Disseminate the Contractor's EEO policy externally by including in any news media advertisement that the Contractor is "An Equal Opportunity Employer" for minority and female, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.
- i. Directs its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures and tests to be used in the selection process.
- j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of Contractor's workforce.
- k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.
- l. Conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for such opportunities through appropriate training or other means.
- m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.
- n. Ensure that all facilities and company activities are nonsegregated, except that separate or single-user toilet

and necessary changing facilities shall be provided to assure privacy between the sexes.

- - p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
 - Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a Contractor association, joint Contractor-union, Contractor-community, or other similar group of which the Contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through p of these Specifications provided that the Contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.
- Goals for women have been established. However, the Contractor IS required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner, that is even though the Contractor has achieved its goals for women, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized.
- The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex or nation origin.
- The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.
- The Contractor shall carry out such sanctions and penalties for violation of these specifications and the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246. as amended.
- The Contractor, in fulfilling its obligations under these specifications shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from Its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director will proceed in accordance with 41 CFR 60-4.8.
- The Contractor shall designate and make known to the Department a responsible official as the EEO Officer to monitor all employment related activity, to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records.

Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, Contractors will not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

ATTACHMENT

<u>Economic Area</u>	<u>Goal (Percent)</u>
Virginia:	
021 Roanoke-Lynchburg, VA	
SMSA Counties:	
4640 Lynchburg, VA	19.3
.....	
VA Amherst; VA Appomattox; VA Campbell; VA Lynchburg	
6800 Roanoke, VA	10.2
.....	
VA Botetourt; VA Craig; VA Roanoke; VA Roanoke City; VA Salem	
Non-SMSA Counties	12.0
.....	
VA Alleghany; VA Augusta; VA Bath; VA Bedford; VA Bland; VA Carroll;	
VA Floyd; VA Franklin; VA Giles; VA Grayson; VA Henry; VA Highland;	
VA Montgomery; VA Nelson; VA Patrick; VA Pittsylvania; VA Pulaski;	
VA Rockbridge; VA Rockingham; VA Wythe; VA Bedford City; VA Buena Vista;	
VA Clifton Forge; VA Covington; VA Danville; VA Galax; VA Harrisonburg;	
VA Lexington; VA Martinsville; VA Radford; VA Staunton; VA Waynesboro; WV Pendleton.	
022 Richmond, VA	
SMSA Counties:	
6140 Petersburg - Colonial Heights - Hopewell, VA	30.6
.....	
VA Dinwiddie; VA Prince George; VA Colonial Heights; VA Hopewell;	
VA Petersburg.	
6760 Richmond, VA	24.9
.....	

VA Charles City; VA Chesterfield; VA Goochland, VA Hanover; VA Henrico; VA New Kent; VA Powhatan; VA Richmond.	
Non-SMSA Counties	27.9
.....	
VA Albemarle; VA Amelia; VA Brunswick; VA Buckingham, VA Caroline;	
VA Charlotte; VA Cumberland; VA Essex; VA Fluvanna; VA Greene; VA	
Greensville; VA Halifax; VA King and Queen; VA King William; VA Lancaster; VA Louisa; VA Lunenburg; VA Madison; VA	
Mecklenburg; VA	
Northumberland; VA Nottoway; VA Orange; VA Prince Edward; VA Richmond	
VA Sussex; VA Charlottesville; VA Emporia; VA South Boston	
023 Norfolk - Virginia Beach - Newport News VA:	
SMSA Counties:	
5680 Newport News- Hampton, VA	27.1
.....	
VA Gloucester; VA James City; VA York; VA Hampton; VA Newport News; VA Williamsburg.	
5720 Norfolk - Virginia Beach - Portsmouth, VA - NC	26.6
.....	
NC Currituck; VA Chesapeake; VA Norfolk; VA Portsmouth; VA Suffolk; VA Virginia Beach.	
Non-SMSA Counties	29.7
.....	
NC Bertie; NC Camden; NC Chowan; NC Gates; NC Hertford; NC Pasquotank; NC Perquimans; VA Isle of Wight; VA Matthews; VA Middlesex; VA Southampton; VA Surry; VA Franklin.	
Washington, DC:	
020 Washington, DC.	
SMSA Counties:	
8840 Washington, DC - MD - VA	28.0
.....	
DC District of Columbia; MD Charles; MD Montgomery MD Prince Georges; VA Arlington; VA Fairfax; VA Loudoun; VA Prince William VA Alexandria; VA Fairfax City; VA Falls Church.	
Non- SMSA Counties	25.2
.....	
MD Calvert; MD Frederick; MD St. Marys; MD Washington; VA Clarke;	
VA Culpeper; VA Fauquier; VA Frederick; VA King George; VA Page; VA	
Rappahannock; VA Shenandoah; VA Spotsylvania; VA Stafford; VA Warren; VA Westmoreland; VA Fredericksburg; VA Winchester WV Berkeley;	
WV Grant; WV Hampshire; WV Hardy; WV Jefferson; WV Morgan.	
Tennessee:	

052 Johnson City - Kingsport - Bristol, TN – VA

SMSA Counties:

3630 Johnson City - Kingsport -Bristol, TN-VA 2.6

.....
TN Carter; TN Hawkins; TN Sullivan; TN Washington; VA Scott: VA
Washington; VA Bristol.

Non-SMSA Counties 3.2

.....
TN Greene; TN Johnson; VA Buchanan; VA Dickenson; VA Lee;
VA Russell; VA Smyth; VA Tazewell; VA Wise; VA Norton; WV
McDowell;
WV Mercer.

Maryland:

019 Baltimore MD

Non-SMSA Counties 23.6

.....
MD Caroline; MD Dorchester; MD Kent; MD Queen Annes; MD
Somerset;
MD Talbot; MD Wicomico; MD Worchester; VA Accomack; VA
Northampton.

Attachment H: USDOT 1050.2 Title VI Assurance Appendix A

US Department of Transportation 1050.2 Title VI Assurance – Appendix A

APPENDIX A CONTRACTOR AGREEMENTS

During the performance of this contract, the contractor, for itself, its assignees and successor interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, “DOT”) Title 49, Code of Federal Regulation, Part 21, as they may be amended from time to time, (hereinafter referred to as the “Regulation”), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Contractor, with regard to work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices, when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the ground of age or disability.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, and other sources of information, and its facilities as may be determined by Commonwealth of Virginia, Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, Orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Commonwealth of Virginia, Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the Commonwealth of Virginia, Department of Transportation, shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to the contractor for the specific contract until the contractor

complies, and/or

b. Cancellation, termination or suspension of the contract, in whole or in part

6. **Incorporation of Provisions:** The contractor shall include the provisions physically (not by reference), of paragraphs 1 through 6 of the Title VI Assurances in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulation, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Commonwealth of Virginia, Department of Transportation, or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Commonwealth of Virginia, Department of Transportation, to enter into such litigation to protect the interest of the Commonwealth of Virginia, Department of Transportation, and in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

Attachment I: Form C-48 Subcontractor/Supplier Solicitation and Utilization Form

Form C-48
Rev. 2-23-11

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
SUBCONTRACTOR/SUPPLIER SOLICITATION AND UTILIZATION FORM (ALL
BIDDERS)**

PROJECT NO. _____ CONTRACT I.D. NO. _____
FHWA NO. _____ DATE SUBMITTED _____

All bidders, including DBEs bidding as Prime Contractors, shall complete and submit the following information as requested in this form within ten (10) **business days after the opening of bids.**

The bidder certifies this form accurately represents its solicitation and utilization or non-utilization, as indicated, of the firms listed below for performance of work on this contract. The bidder also certifies he/she has had direct contact with the named firms regarding participation on this project.

BIDDER _____ **SIGNATURE** _____

TITLE _____

SUBCONTRACTOR/SUPPLIER SOLICITATION AND UTILIZATION (ALL)

VENDOR NUMBER	NAME OF SUBCONTRACTOR/SUPPLIER	TELEPHONE NUMBER	DBE OR NON-DBE	UTILIZED (Y/N)

NOTE: ATTACH ADDITIONAL PAGES, IF NECESSARY.

BIDDER MUST SIGN EACH ADDITIONAL SHEET TO CERTIFY ITS CONTENT AND COMPLETION OF FORM.

Attachment J: Form C-63 DBE/SWAM Payment Compliance Report

Page(s) _____ of _____

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION DBE AND SWAM PAYMENT COMPLIANCE REPORT

(1a) Report No. _____
(1b) Period Ending _____

(2a) Federally Funded ☐
(2b) State Funded ☐
(2c) Order No. _____

(2d) Date of Execution _____

(2e) Contractor/Subcontractor _____

(2f) Route No. _____ (2g) Project No. _____ (2h) Contract Id. No. _____

(2i) FHWA No _____ (2j) District _____

(3) DBE and SWAM Firm Name, Certification No.	(4) Tax I.D. No.	(5) DBE and SWAM Category	(6) Allowable Credit of Contract or Agreement	(7) Allowable Credit		(8) Disallowed Credit (VDOT Use Only)		(9) Type of Work (Indicate Item Numbers & Work Description)
				(7a) This Quarter	(7b) To Date	(8a) This Quarter	(8b) To Date	
		DBE/MBE						
		DBE/MBE						
		DBE/MBE						
		DBE/MBE						
		DBE./WBE						
		DBE/MBE						
Total Dollar Amount			DMBE					
Paid by Quarter and To Date by DBE and SWAM Category			DWBE					
			SBE					
			WBE					

**VIRGINIA DEPARTMENT OF TRANSPORTATION
INSTRUCTIONS FOR
DBE/SWAM PAYMENT COMPLIANCE REPORT – C63**

The Prime Contractor is required to submit a DBE Payment Compliance Report and requested to submit payments made to Small, Women-owned, and Minority-owned (SWAM) Business Enterprises for the designated quarterly reporting period. All amounts paid to **certified** DBE and SWAM businesses are subject to monitoring and enforcement mechanisms. It is the responsibility of the prime contractor to provide evidence of DBE and SWAM payments in response to monitoring and enforcement compliance reviews.

The instructions below correspond to each item on the report. Please follow the instructions.

- 1a. **Report No.**
Indicate the number of the report you are sending in sequence. For example: If this is the second report you are submitting, enter Report No. 2.
- 1b. **Period Ending**
Indicate the reporting period based on the Reporting Schedule listed in these instructions.
- 2a. **Federally Funded**
Indicate if contract is federally funded.
- 2b. **State Funded**
Indicate if contract is state funded.
- 2c. **Order No.**
Enter the “Call Order” number assigned to your project by VDOT
- 2d. **Date of Execution**
Enter the date the contract was executed by VDOT.
- 2e. **Contractor/Subcontractor**
Enter your company’s name.
- 2f. **Route No.**
Enter the highway route number shown in your contract.
- 2g. **Project No.**
Enter the project number assigned to your project by VDOT.
- 2h. **Contract Id. No.**
Enter the contract identification number assigned to your project by VDOT.
- 2i. **FHWA No.**
Enter the FHWA number assigned to your project.

- 2j. **District**
Enter the District where the project under contract is located.
3. **DBE and SWAM Firm Name, Certification No.**
Enter all DBE/SWAM subcontractors utilized and their certification number.
4. **Tax I.D. No.**
Indicate the Federal Employer Identification No.
5. **DBE and SWAM Category (As certified by the Virginia Department of Minority Business Enterprise)**
Designate type of DBE/SWAM business:
DBE: DBE/MBE – Disadvantaged Minority-owned Business Enterprise
DBE/WBE – Disadvantaged Woman-owned Business Enterprise

SWAM: SBE – Small Business
MBE – Minority-Owned Business Enterprise
WBE – Woman-Owned Business Enterprise
6. **Allowable Credit of Contract or Agreement**
Dollar value of contract or agreement to be performed by the DBE and SWAM during the contract or agreement which is allowable for participation credit.
- 7a. **Allowable Credit This Quarter**
Dollar amount that can be credited for work performed in reporting quarter.
- 7b. **Allowable Credit To Date**
Dollar amount that can be credited for work performed since work commenced.
- 8a. **Disallowed Credit This Quarter**
Dollar amount of payment paid to DBE and SWAM that is NOT allowable for participation credit in reporting quarter.
- 8b. **Disallowed Credit To Date**
Dollar amount of payment that is NOT allowable for participation credit since work commenced.
9. **Type of Work (Indicate Item Numbers)**
State work item(s) performed and give description.

Effective July 1, 2007, All Form C-63s for a particular reporting period shall be submitted in an electronic format to the respective person in responsible charge in each District by the following dates of each calendar year.

REPORTING SCHEDULE

Quarter	Reporting Period	Date Due To Responsible VDOT Residency
1st	July 1 – September 30	Five (5) working days after the reporting period
2nd	October 1 – December 31	Five (5) working days after the reporting period
3rd	January 1 – March 31	Five (5) working days after the reporting period
4th	April 1 – June 30	Five (5) working days after the reporting period

If the submittal date falls on a weekend/holiday, the forms shall be submitted to the VDOT Responsible Charge District Office on the following business day.

INSTRUCTIONS FOR SAVING FORM C-63 DATA IN PDF FORMAT

Please be advised that the information that you have placed on the Form C-63 (PDF format) will not save to the file when you close the file. **To save your information while using the PDF format, you must use the correct procedures outlined below.**

**** The following steps will describe the correct procedure for saving the data that you have placed on the PDF version of the Form C-63:**

- Step #1** CLICK ON “File”
- Step #2** CLICK ON “Save A Copy”
- Step #3** CLICK ON “Save A Blank Copy”
- Step #4** ENTER your “Firm Name” as the File Name
- Step #5** ENTER the “Order Number” (see line 2c on Form C-63)
- Step #6** ENTER Underscore (_)
- Step #7** ENTER “Report Number” (see line 1a on Form C-63)
- Step #8** ENTER “Quarter Ending” (see line 1b on Form C-63)
- Step #9** ENTER the “Year” (last two digits only)
- Step #10** ENTER “.pdf” as the appropriate file ending

EXAMPLE:

Firm Name:	Vdot Construction Co.
Order No.:	A01
Report No.:	5
Quarter Ending:	1st Quarter (Jul.1 – Sept. 30)
Year:	07

Using the information in the example, your file would be saved as:
vdotA01_050107.pdf

Form C-111
Rev. 2-15-11

PROJECT NO.

FHWA NO.

THIS FORM CAN BE USED BY THE CONTRACTOR TO SUBMIT THE NAMES OF DBE FIRMS TO BE UTILIZED ON THE PROJECT. THE CONTRACTOR SHALL INDICATE THE DESCRIPTION OF THE CATEGORY (S, M, SP or H) AND THE TYPE OF WORK THAT EACH DBE WILL PERFORM AND THE ALLOWABLE CREDIT PER ITEM(S). ADDITIONAL SHEETS TO SHOW THE ALLOWABLE CREDIT PER ITEM MAY BE ATTACHED IF NECESSARY. **PLEASE NOTE:** THE AMOUNT OF ALLOWABLE CREDIT FOR A DBE SUPPLIER IS 60% OF THE TOTAL COST OF THE MATERIALS OR SUPPLIES OBTAINED AND 100% FOR A DBE MANUFACTURER OF THE MATERIALS AND SUPPLIES OBTAINED. A CONTRACTOR MAY COUNT 100% OF THE FEES PAID TO A DBE HAULER FOR THE DELIVERY OF MATERIALS AND SUPPLIES TO THE PROJECT SITE, BUT NOT FOR THE COST OF THE MATERIALS AND SUPPLIES THEMSELVES.

DBE REQUIREMENT

%

PERCENT ATTAINED BY BIDDER

%

**NAMES(S) AND CERTIFICATION NO.
OF DBE(S) TO BE USED**

USED AS
SUBCONTR. (S)
MFG. (M)
SUPPLIER (SP)
HAULER (H)

TYPE OF WORK AND ITEM NO(S)

\$ AMOUNT OF
ALLOWABLE
CREDIT PER ITEM**TOTAL** **\$**

TOTAL CONTRACT VALUE \$ _____ x REQUIRED DBE _____ % = \$ _____

I/WE CERTIFY THAT THE PROPOSED DBE(S) SUBMITTED WILL BE USED ON THIS CONTRACT AS STATED HEREON AND ASSURE THAT DURING THE LIFE OF THE CONTRACT. I/WE WILL MEET OR EXCEED THE PARTICIPATION ESTABLISHED HEREON BY THE DEPARTMENT.

BIDDER

BY

SIGNATURE

TITLE

BY

DATE

Attachment L: Form C-112 Certification of Binding Agreement

Form C-112

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
CERTIFICATION OF BINDING AGREEMENT

Project No.: RWIS 969-
037/UPC:0095813

Federal Project No.: IM-
000S(247)

It is hereby certified by the below signed Contractors that there exists a written quote acceptable to both parties preliminary to a binding subcontract agreement stating the details concerning the work to be performed and the price which will be paid for the aforementioned work. A copy of the fully executed subcontract agreement shall be submitted to the Engineer within fourteen (14) working days after contract execution.

It is further certified that the aforementioned mutually acceptable quote and fully executed subcontract agreement represent the entire agreement between the two parties and that no conversations, verbal agreements, or other forms of non-written representations shall serve to add to, delete, or modify the terms as stated.

The prime Contractor further represents that the aforementioned mutually acceptable quote and fully executed subcontract agreement shall remain on file for a period of not less than one year following completion of the prime's contract with the Department or for such longer period as provisions of governing Federal or State law or regulations may require.

Contractors further jointly and severally represent that said binding agreement is for the performance of a "commercially useful function" as that term is employed in 49 C.F.R. Part 26.55 (c), (d).

DBE/WBE
Contractor

By: _____
Signature Title
Date: _____

Prime Contractor: _____

By: _____
Signature Title
Date: _____

Note: This document is not intended to, nor should it be construed to, contain the entire text of the agreement between the contracting parties. This document does not take the place of, nor may it be substituted for, an official subcontracting agreement in those situations that may require such an agreement.

Attachment M: Title VI Report

Virginia Workforce

CONSULTANT EQUAL EMPLOYMENT OPPORTUNITY WORKFORCE ANALYSIS

Employment at this establishment - Report all permanent full and part-time employees including apprentices and on-the job trainees unless specifically excluded as set forth in the instructions. Enter the appropriate figures on all lines and in all columns. Blank spaces will be considered zeros.

Job Categories		Number of Employees (Report employees in only one category)														
		Race/Ethnicity														
		Hispanic or Latino		Not Hispanic or Latino						Female						
		Male	Female	White	Black or African American	Native Hawaiian Or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian Or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	Total Col A-N
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
Executive/Sir. Level Officials & Managers (1.1)																
First/Mid-Level Officials & Managers (1.2)																
Professionals (2)																
Technicians (3)																
Sales Workers (4)																
Administrative Support Workers (5)																
Craft Workers (6)																
Operatives (7)																
Laborers & Helpers (8)																
Service Workers (9)																
TOTAL (10)																
PREVIOUS YEAR TOTAL (11)																

Organization, Staffing, & Training

1. What type of services will your organization provide VDOT?
2. Identify the person responsible for the administration of Title VI policies and procedures (a Title VI Coordinator). Provide the name, position, title, and contact information.

Title VI/Nondiscrimination

1. Is your Title VI Coordinator, project managers, and other staff made aware of Title VI compliance and regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21 and the Federal Highway Administration's 23 Code of Federal Regulations 200? Please explain how they are made aware.
2. What procurement procedures does your organization have in place to ensure nondiscrimination in the selection and retention of subcontractors including procurements of materials and leases of equipment?
3. How does your organization notify your subcontractors and suppliers of their obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability and low income populations?
4. Are facilities and meeting areas fully accessible to persons with disabilities?
5. Does your organization have a system in place to accommodate persons with disabilities? If yes, how does your organization notify the public? If no, please explain.
6. How are limited English proficient persons made aware that they can receive translation services for access to services?
7. Has your organization been reviewed by any governmental agencies for compliance with Title VI and other laws and regulations? If yes, provide a copy of the letter identifying the review findings?

8. Does your organization receive federal assistance (grants, loans, donations of property, or detail of personnel) from any Federal government entity?

9. List any discrimination complaints and/or lawsuits received in Virginia during the reporting period. Include the basis for the complaint (ethnicity, gender, etc.) and summarize the outcome or resolution. If applicable, include a copy of the investigation report.

Disadvantaged Business Enterprises (DBE)

1. Did your organization award any contracts/subcontracts related to VDOT work to DBEs during the reporting period? If yes, provide the following:
 - The DBE's name and amount awarded
 - Total # of contracts awarded to DBEs
 - Total dollar amount of contracts awarded to DBEs

I certify that the data given in this report is correct to the best of my knowledge. (Report has to be submitted with original signature, not a photocopy.)

Signature: (Authorized Officer)

(Title)

(Date)

For Office Use Only:

Provide award? Yes _____ No _____ Recommendations:

Appendix A

VDOT is a recipient of federal financial assistance. As a recipient, VDOT is required to comply with Title VI of the Civil Rights Act of 1964, as amended and other nondiscrimination laws and authorities. Title VI of the Civil Rights Act of 1964, and other directives prohibit agencies and sub-recipients receiving federal assistance from discriminating against anyone or any group in the United States on the grounds of race, color, national origin, sex, age, disability, or low-income. The United States Department of Transportation (USDOT) and Federal Highway Administration (FHWA) Regulations

(49) Code of Federal Regulations (CFR), Part 21, and 23 CFR, Part 200 respectively, and other applicable orders and authorities provide guidelines, actions, and responsibilities for VDOT's implementation of the Title VI Program. These laws and regulations include but are not limited to the following:

- **The 1970 Uniform Act (42 USC 4601)** – prohibits unfair treatment of displacees
- **Section 504 of the 1973 Rehabilitation Act (29 USC 790)** – prohibits discrimination based on disability
- **The Federal-Aid Highway Act 1973 (23 USC 324)** – prohibits discrimination based on gender
- **The 1975 Age Discrimination Act (42 USC 6101)** – prohibits age discrimination (any age)
- **The Civil Rights Restoration Act of 1987** – clarified the original intent of nondiscrimination organization-wide
- **Executive Order 12898 on Environmental Justice (EJ)** addresses disproportionately high and adverse human health and environmental effects on minority and low-income populations
- **Executive Order 13166 on Limited English Proficiency (LEP)** - ensures people who are limited English proficient (LEP) have meaningful access to services

In brief, these laws and regulations prohibit discrimination in federally assisted programs and activities. Title VI of the 1964 Civil Rights Act states that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

By contracting with VDOT, a contractor is obligated to comply with the laws and regulations listed above and within the Memorandum of Agreement (MOA) executed between the Department and the contractor. VDOT's Civil Rights Division with the assistance from each applicable division's Program Manager, monitors an organization's compliance with the non-discrimination provisions.

To monitor compliance, each contractor and all sub-contractors are required to submit a Title VI Evaluation Form. This requirement is applicable for all contractors.

The Title VI Evaluation Form provides documentation that a contractor has procedures in place to prevent discrimination in programs and services based on Title VI.

VDOT will request a Title VI Evaluation Form within ten (10) days of notification of selection for new contractors or contractors that do not have a current assessment on file with VDOT. The Assessment Form should be submitted to the Program Manager in the division that is negotiating the contract. These are the divisions we currently receive Title VI Evaluation Forms from:

**Right of Way & Utilities Division Location & Design
Division Environmental Division Structure & Bridge
Innovative Project Delivery Materials Division
Transportation & Mobility Planning Division**

Once the Title VI Evaluation Form is provided to VDOT, the Title VI Coordinator in the Civil Rights Division reviews the information and issues a pre-award letter within fifteen (15) days of receiving documentation or may schedule an on-site review within the same time frame to confirm information provided in the Assessment Form. VDOT Program Managers have access to a Title VI Log that is updated monthly on the Civil Rights Website. The Title VI Coordinator may request additional information and/or recommend corrective actions. The Title VI Coordinator may randomly schedule on site compliance reviews at the contractor's office.

If the report is approved for award, a letter is sent out with an expiration date for one year from the date of the approval letter. Typically the letter remains current and on file with VDOT for a period of one year. An updated report is required annually for contractors who continue to perform under a contract with VDOT. It should be noted that if VDOT conducts an on site compliance review the contractor can still be found to be out of compliance during the one year period.

Failure to comply with the nondiscrimination provisions may result in cessation of negotiations, withholding of payments, cancellation, termination, or suspension of the contract in whole or in part.

Should you have any questions about VDOT's Title VI Program or the Title VI Evaluation Form, you may directly contact the Title VI Coordinator in VDOT's Civil Rights Division at 804-786-2085 or at robin.underwood@vdot.virginia.gov.

Attachment N: Davis-Bacon Prevailing Wage Rates for Eastern Virginia Region

GENERAL DECISION: VA20100016 03/12/2010 VA16

Date: March 12, 2010

General Decision Number: VA20100016 03/12/2010

Superseded General Decision Number: VA20080016

State: Virginia

Construction Type: Highway

Counties: Accomack, Amelia, Brunswick, Caroline, Emporia*, Essex, Franklin*, Greensville, King And Queen, King William, Lancaster, Louisa, Lunenburg, Madison, Mecklenburg, Middlesex, Northampton, Northumberland, Nottoway, Orange, Rappahannock, Richmond, Southampton, Surry, Sussex and Westmoreland Counties in Virginia.

*INDEPENDENT CITIES

HIGHWAY CONSTRUCTION PROJECTS (Excluding tunnels, building structures in rest areas projects, and railroad construction; bascule, suspension & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; other major bridges)

Modification Number	Publication Date
0	03/12/2010

* SUVA1996-010 09/24/1996

	Rates	Fringes
Asbestos Worker/Heat and Frost Insulator.....	\$ 10.10	
BLASTER.....	\$ 10.55	
Carpenters:		
Structure.....	\$ 11.52	
Concrete Finisher.....	\$ 10.41	
Deckhand.....	\$ 13.49	
Electricians.....	\$ 19.51	
FENCE ERECTOR.....	\$ 9.08	
Flagger.....	\$ 9.80	
Form Setter.....	\$ 10.39	
Guardrail erector.....	\$ 7.81	
Laborers:		
Asphalt Rakers.....	\$ 9.10	
Construction Workers I (Skilled Laborers).....	\$ 8.07	
Construction Workers		

II (Laborers).....	\$ 7.64
Landscape Workers.....	\$ 7.25
Masons, Structure.....	\$ 9.00
Pipelayers.....	\$ 7.92
Power Tool Operators.....	\$ 8.09
MASON	
Structure.....	\$ 9.00
Painter, Bridge.....	\$ 17.50
PAINTER.....	\$ 9.00
Plumbers.....	\$ 14.31
Power equipment operators:	
Air Compressor Operators.....	\$ 10.15
Asphalt Distributor	
Operators.....	\$ 9.32
Asphalt Paver Operators.....	\$ 9.83
Backhoe Operators.....	\$ 9.59
Bulldozer Operators,	
Utility.....	\$ 9.00
Bulldozer Operators.....	\$ 10.56
Concrete Finish Machine	
Operators, Utility.....	\$ 9.75
Concrete Finish	
Machine/Screed Operators	
(Bridge).....	\$ 13.00
Concrete Paving Machine	
Operators.....	\$ 11.00
Concrete Pump Operators.....	\$ 8.33
Concrete Saw Operators.....	\$ 8.06
Crane, Derrick, Dragline	
Operators	
1 yd. and under.....	\$ 13.34
Over 1 yd.....	\$ 13.51
Crusher Tender Operators.....	\$ 10.35
Drill Operators.....	\$ 8.50
Excavator Operators.....	\$ 10.01
Front-End Loader Operators	
2 yds. and under.....	\$ 9.25
Over 2 yds.....	\$ 10.03
Fuel and Lubricant Service	
Truck Drivers.....	\$ 9.00
Gradall Operators.....	\$ 9.64
Grade Checkers.....	\$ 7.33
Hydro-Seeder Operators.....	\$ 12.07
Log Skidder Operators.....	\$ 15.00
Mechanics.....	\$ 12.06
Mobile Mixer Operators.....	\$ 10.51
Motor Grader Operators	
Fine Grade.....	\$ 12.18
Rough Grade.....	\$ 10.97
Oiler Greaser.....	\$ 10.00
Pavement Marker Operators...	\$ 9.09
Pavement Marking Truck	
Operators.....	\$ 8.89
Pavement Planing	
Groundmen.....	\$ 8.00
Operators.....	\$ 8.80
Pile Driver	
Leadsman.....	\$ 11.65
Operators.....	\$ 12.50
Pipe Boring/Jacking	
Machine Operators.....	\$ 8.38

Plant Operators.....	\$ 10.00
Roller Operators	
Finish.....	\$ 8.61
Rough.....	\$ 8.35
Scraper Pan Operators.....	\$ 9.38
Shot Blast Machine	
Operators.....	\$ 10.00
Shovel Operators.....	\$ 10.35
Slip-Form Paver Operators...	\$ 9.50
Slurry Seal Paver	
Machine Operators.....	\$ 9.38
Truck Drivers.....	\$ 9.00
Stabilizer Operators.....	\$ 8.32
Stone Spreader Operators....	\$ 8.69
Subgrade Machine Operators..	\$ 8.80
Tractor Operators	
Crawlers.....	\$ 7.25
Utility.....	\$ 7.29
Transit Mix Truck Drivers...	\$ 9.75
Trenching Machine Operators..	\$ 10.13
Vacuum Machine Operators....	\$ 10.00
Reinforcing metal workers.....	\$ 14.78
Sheet Metal Worker.....	\$ 14.00
SIGN ERECTOR.....	\$ 11.13
Structural workers.....	\$ 14.00
TRAFFIC SIGNALIZATION:	
Traffic Signal Installation	
Maintainers.....	\$ 16.00
Truck drivers:	
Heavy Duty	
Over 7 c.y.....	\$ 9.18
Under 7 c.y.....	\$ 8.68
Multi-Tandem Single Rear	
Axle.....	\$ 8.17
WATERPROOFER.....	\$ 8.00
Welder.....	\$ 14.00

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

In the listing above, the "SU" designation means that rates listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

=====

END OF GENERAL DECISION

GENERAL DECISION: VA20100009 03/12/2010 VA9

Date: March 12, 2010

General Decision Number: VA20100009 03/12/2010

Superseded General Decision Number: VA20080009

State: Virginia

Construction Type: Highway

Counties: Chesapeake*, Isle of Wight, Norfolk*, Portsmouth*, Suffolk* and Virginia Beach* Counties in Virginia.

*INDEPENDENT CITIES

HIGHWAY CONSTRUCTION PROJECTS (Excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Modification Number	Publication Date
0	03/12/2010

* ELEC0080-001 09/01/2009

	Rates	Fringes
Electricians (Including Traffic Signal Installers/Maintainers).....	\$ 23.05	14.5%+4.50+a

a. Workmen shall be allowed 2 hours with pay at the start or at the end of the work day on State and National Election Days; Tuesday following the first Monday in November, provided they are qualified and vote.

ENGI0147-013 05/01/2008

	Rates	Fringes
Power equipment operators:		
Crane, Derrick, Dragline Operators		
1 yd. & under.....	\$ 23.84	8.69%+6.60
Over 1 yd.....	\$ 24.76	8.69%+6.60
Pile Driver Leadsman.....	\$ 23.84	8.69%+6.60

SUVA1999-012 02/09/1999

	Rates	Fringes
Asbestos Worker/Heat and Frost Insulator.....	\$ 7.97	
BLASTER.....	\$ 9.00	
Carpenters		
Structure.....	\$ 12.66	
Concrete Finisher.....	\$ 10.53	
Deckhand.....	\$ 13.49	
FENCE ERECTOR.....	\$ 9.50	
Flagger.....	\$ 7.25	
Form Setter.....	\$ 9.75	
Guardrail erector.....	\$ 14.13	
Laborers:		
Asphalt Rakers.....	\$ 8.27	
Construction Workers I (Skilled Laborers).....	\$ 8.80	

Construction Workers	
II (Laborers).....	\$ 7.68
Landscape Workers.....	\$ 7.92
Pipelayers.....	\$ 8.05
Power Tool Operators.....	\$ 9.26

MASON

Structure.....	\$ 9.00
----------------	---------

Painter, Bridge.....	\$ 13.08
----------------------	----------

PAINTER.....	\$ 13.90
--------------	----------

Power equipment operators:

Air Compressor Operators....	\$ 20.00
Asphalt Distributor	
Operators.....	\$ 9.14
Asphalt Paver Operators.....	\$ 9.74
Backhoe Operators.....	\$ 11.74
Bulldozer Operators,	
Utility.....	\$ 10.06
Bulldozer Operators.....	\$ 10.33
Concrete Finish Machine	
Operators, Utility.....	\$ 11.32
Concrete Finish	
Machine/Screed Operators	
(Bridge).....	\$ 14.00
Concrete Paving Machine	
Operators.....	\$ 9.16
Concrete Pump Operators.....	\$ 16.01
Concrete Saw Operators.....	\$ 16.01
Crusher Tender Operators....	\$ 10.35
Drill Operators.....	\$ 10.00
Excavator Operators	
(Gradall Operators).....	\$ 11.86
Front-End Loader Operators..	\$ 9.35
Fuel and Lubricant Service	
Truck Drivers.....	\$ 7.25
Grade Checkers.....	\$ 7.25
Hydro-Seeder Operators.....	\$ 10.75
Log Skidder Operators.....	\$ 15.00
Mechanics.....	\$ 11.89
Mobile Mixer Operators.....	\$ 10.71
Motor Grader Operators	
Fine Grade.....	\$ 11.61
Rough Grade.....	\$ 11.87
Oiler Greasers.....	\$ 10.50
Pavement Marker Operators...	\$ 10.20
Pavement Marking Truck	
Operators.....	\$ 8.75
Pavement Planing	
Groundman.....	\$ 11.00
Operators.....	\$ 10.25
Pile Driver Operators.....	\$ 14.50
Pipe Boring/Jacking	
Machine Operators.....	\$ 8.38
Plant Operators.....	\$ 10.00
Roller Operators	
Finish.....	\$ 9.68
Rough.....	\$ 8.66
Scraper Pan Operators.....	\$ 9.50
Shot Blast Machine	
Operators.....	\$ 7.75
Shovel Operators.....	\$ 10.45
Slip-Form Paver Operators...	\$ 10.82
Slurry Seal Paver	

Machine Operators.....	\$ 9.38
Truck Drivers.....	\$ 9.00
Stabilizer Operators.....	\$ 7.94
Stone Spreader Operators....	\$ 10.90
Subgrade Machine Operators..	\$ 8.75
Tractor Operators	
Crawlers.....	\$ 8.02
Utility.....	\$ 9.16
Transit Mix Truck Drivers...	\$ 9.75
Trenching Machine Operators.	\$ 10.66
Reinforcing metal workers.....	\$ 21.20
Sheet Metal Worker.....	\$ 8.90
SIGN ERECTOR.....	\$ 17.25
Structural workers.....	\$ 16.70
Truck drivers:	
Heavy Duty	
Over 7 c.y.....	\$ 11.03
Under 7 c.y.....	\$ 10.93
Multi, Tandem and Single	
Rear Axle.....	\$ 8.14
Welder.....	\$ 12.99

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

In the listing above, the "SU" designation means that rates listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

=====

END OF GENERAL DECISION

GENERAL DECISION: VA20100006 05/07/2010 VA6

Date: May 7, 2010

General Decision Number: VA20100006 05/07/2010

Superseded General Decision Number: VA20080006

State: Virginia

Construction Type: Highway

Counties: Gloucester, Hampton*, James*, Mathews, Newport News*, Poquoson*, Williamsburg* and York Counties in Virginia.

*INDEPENDENT CITIES

HIGHWAY CONSTRUCTION PROJECTS (Excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Modification Number	Publication Date
0	03/12/2010
1	05/07/2010

ELEC1340-004 04/01/2009

	Rates	Fringes
Electricians (Including Traffic Signal Installer/Maintainer).....	\$ 22.72	7.83

* ENGI0147-018 05/01/2010

	Rates	Fringes
Power equipment operators: Oilers/Greasers.....	\$ 17.99	8.69%+5.75

SUVA1999-013 02/10/1999

	Rates	Fringes
Asbestos Worker/Heat and Frost Insulator.....	\$ 10.10	
Carpenters (Structure).....	\$ 12.07	
Concrete Finisher.....	\$ 10.74	
Deckhand.....	\$ 9.50	
FENCE ERECTOR.....	\$ 13.07	
Flagger.....	\$ 9.43	
Form Setter.....	\$ 9.88	
Laborers:		
Asphalt Rakers.....	\$ 9.04	
Construction Workers I (Skilled Laborers).....	\$ 8.93	
Construction Workers II (Laborers).....	\$ 7.91	
Landscape Workers.....	\$ 7.36	
Pipelayers.....	\$ 9.13	
Power Tool Operators.....	\$ 13.75	

Painter, Bridge.....\$ 11.99

Power equipment operators:		
Asphalt Distributor Operators.....	\$ 8.86	
Asphalt Paver Operators.....	\$ 10.11	
Backhoe Operators.....	\$ 11.02	
Bulldozer Operators (Utility).....	\$ 9.94	
Bulldozer Operators.....	\$ 10.45	
Concrete Finish Machine Operators, Utility.....	\$ 11.15	
Concrete Finish Machine/Screed Operators (Bridge).....	\$ 11.00	
Concrete Paving Machine Operators.....	\$ 8.25	
Crane, Derrick, Dragline Operators		
1 yd. & under.....	\$ 13.79	
Over 1 yd.....	\$ 16.00	
Crusher Tender Operators.....	\$ 10.35	
Drill Operators.....	\$ 10.00	
Excavator Operators.....	\$ 12.00	

Front-End Loader Operators	
2 yds. & under.....	\$ 9.82
Over 2 yds.....	\$ 10.03
Fuel and Lubricant Service	
Truck Drivers.....	\$ 8.50
Gradall Operators.....	\$ 14.00
Grade Checkers.....	\$ 7.76
Hydro-Seeder Operators.....	\$ 8.00
Log Skidder Operators.....	\$ 15.00
Mechanics.....	\$ 13.04
Mobile Mixer Operators.....	\$ 10.71
Motor Grader Operators	
Fine Grade.....	\$ 12.43
Rough Grade.....	\$ 9.98
Pavement Marker Operators...	\$ 9.28
Pavement Marking Truck	
Operators.....	\$ 9.55
Pavement Planing Operators..	\$ 9.25
Pile Driver	
Leadsman.....	\$ 14.00
Operators.....	\$ 16.00
Pipe Boring/Jacking	
Machine Operators.....	\$ 8.38
Plant Operators.....	\$ 10.00
Roller Operators	
Finish.....	\$ 8.50
Rough.....	\$ 9.37
Scraper Pan Operators.....	\$ 8.50
Shot Blast Machine	
Operators.....	\$ 9.00
Shovel Operator	
2 yds. & under.....	\$ 12.00
Over 2 yds.....	\$ 12.13
Slip-Form Paver Operators...	\$ 8.50
Slurry Seal Paver	
Machine Operators.....	\$ 9.00
Truck Drivers.....	\$ 9.00
Stabilizer Operators.....	\$ 7.94
Stone Spreader Operators....	\$ 9.83
Subgrade Machine Operators..	\$ 9.12
Tractor Operators	
Crawlers.....	\$ 9.26
Utility.....	\$ 9.43
Transit Mix Truck Drivers...	\$ 9.75
Trenching Machine Operators..	\$ 10.88

Reinforcing metal workers.....\$ 16.80

Truck drivers:

Heavy Duty.....	\$ 8.40
Multi, Tandem and Single	
Rear Axle.....	\$ 8.43

WATERPROOFER.....\$ 8.00

Welder.....\$ 13.70

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

In the listing above, the "SU" designation means that rates

listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

=====

END OF GENERAL DECISION

Attachment O: Special Provisions Section 107.15 Use of Minority Business Enterprise

S107HF0-0708 VDOT Special Provisions for Section 107.15
SF030AF-0708

Reissued July 2008

VIRGINIA DEPARTMENT OF TRANSPORTATION SPECIAL PROVISION FOR NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)

1. The Offeror's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.
2. The goals for female and minority participation, expressed in percentage terms of the Contractor's aggregate work force in each trade on all construction works in the covered area, are as follows:

Females- 6.9%

Minorities - See Attachment "A"

The goals are applicable to all the Contractor's construction work performed in the covered area, whether or not it is Federal or federally assisted. If the Contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the Contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications, set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals established herein. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executives Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 workings days the award of any construction subcontract in excess of \$10,000 at any tier for construction works under this contract. The notification shall list the name, address and telephone number of the Subcontractor, employer identification number, estimated dollar amount of the subcontract, estimated starting and completion dates of the subcontract and the geographical area in which the contract is to be performed.

Attachment P: DBE Policy Statement

Virginia Department of Transportation Policy Statement Disadvantaged Business Enterprise (DBE) Program

The Virginia Department of Transportation (VDOT) is committed to a Civil Rights Program for the participation of Disadvantaged Business Enterprises (DBEs) in VDOT contracting opportunities in accordance with 49 Code of Federal Regulations (CFR) Part 26. The VDOT has received Federal financial assistance from the United States Department of Transportation (USDOT) and, as condition of receiving this assistance, the VDOT has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the VDOT to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT federally-funded contracts. The VDOT adopts the following objectives:

- To ensure nondiscrimination in the award and administration of FHWA assisted contracts;
- To create a level playing field on which DBEs can compete fairly for FHWA assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in FHWA assisted contracts;
- To assist the development of firms that can compete successfully in the marketplace outside of the DBE Program; and
- To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The Chief of Equal Business and Employee Opportunity, Grindly Johnson, has been designated as the DBE Liaison Officer, with the responsibility of overseeing all aspects of the DBE Program. The Civil Rights Division Administrator, in coordination with other VDOT personnel, has been delegated the authority for the development, implementation and monitoring of the DBE Program for contracts in accordance with VDOT's nondiscrimination policy. It is the expectation that all VDOT personnel shall adhere to the intent, as well as the provisions and procedures of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the VDOT in its financial assistance agreements with the Department of Transportation.

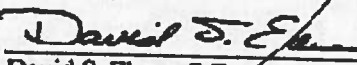
The VDOT will disseminate and post the DBE policy statement to all VDOT personnel, post the policy statement on our VDOT website, and distribute it to the DBE and non-DBE business community that perform or are interested in performing work on the USDOT-assisted contracts.

Policy Statement
Page 2

Questions regarding this policy or implementation of the DBE Program should be addressed to Freddie L. Jones, Civil Rights Division Administrator, Virginia Department of Transportation, 1221 East Broad Street, Richmond, Virginia 23219; telephone number (804) 786-2085, fax (804) 371-8040, or by e-mail at Freddie.Jones@vdot.virginia.gov.

Dated: 08/15/2007

By:



David S. Ekern, P.E.
Commissioner